DON'T ABANDON ONE-WAY STREETS — PAGES 10-11

Environment & Climate News

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States Will Pay Too Much for "Early Action" on Global Warming

JAMES M. TAYLOR

State legislatures are back in session, and many will debate proposals to reduce carbon dioxide and other so-called greenhouse gas emissions at the state level. Research suggests, however, that they would be wise to avoid rushing into such costly and ineffectual efforts.

In the 2001-2002 session, 21 state legislatures considered more than 50 bills seeking to reduce carbon dioxide emissions. Although many of the bills contemplated indirect regulation through such means as alternative fuel requirements and carbon reporting schemes, 12 legislatures considered bills intending to directly cap atmospheric greenhouse gases. Two states—California and New Hampshire—enacted such laws. These and similar proposals are likely to be resurrected this year.

Costly Action

What price do states pay for enacting global warming legislation? A 1997 analysis of the impact of the Kyoto Protocol by Mary Novak, a senior vice president with WEFA, a respected economic forecasting firm, provides a basis for some estimates. (See "What is the Kyoto Protocol," page 4, for more about the Kyoto Protocol.)

According to Novak, by 2010 the nation as a whole would have 2.4 million fewer jobs and $300 billion less in annual economic output. Household income would be $2,700 lower, while energy prices would rise sharply. State tax revenue would fall by $93.1 billion due to job and output losses.

STATES continued on page 4

Pennsylvania Offers Blueprint for Environmental Protection

JAMES M. TAYLOR

Can state governments protect the environment without relying on command-and-control regulation? Do public-private ventures and voluntary programs really work? Can a Republican governor set a standard for excellence in environmental protection that other states can learn from?

For the past eight years, Pennsylvania has delivered a resounding "yes" to all those questions. How it achieved such impressive results is a blueprint for the chief executive officers of the country's 49 other states.

Impressive Achievements

The Pennsylvania Department of Environmental Protection (DEP) was a magnet for criticism and a liability to whoever sat in the Governor's office. While the department's mission was as popular as ever, nobody seemed to think it was doing a good job. That, demanded Gov. Tom Ridge, had to change.

And change the department did, thanks to hard work, a new philosophy, and many new partners.

Solid waste, air pollution, and water pollution have been permanently reduced by hundreds of millions of tons and billions of gallons; millions of pounds of toxic emissions have been eliminated. More than 33,300 acres of abandoned mines have been reclaimed, 967 miles of stream cleaned up, and 5,000 acres of wetlands restored. The state even exceeded its goal of recycling 35 percent of household waste.

PENNSYLVANIA continued on page 12

Agriculture Secretary Ann Veneman speaks as Interior Secretary Gale Norton listens during a press briefing in the White House following their meeting with President George W. Bush December 11, 2002. The two met with Bush to discuss initiatives to restore forest and rangeland health and reduce risks of wildfires to communities and the environment. Photo: Kevin Lamarque/Reuters

Bush Pushes Healthy Forests after Congressional Inaction

JAMES M. TAYLOR

With Congress failing to act on his Healthy Forests Initiative, President George W. Bush on December 11 announced a proposal to streamline fire-prevention initiatives in the nation's forests. The proposal includes pilot projects in 10 test areas to determine the efficiency and effectiveness of forest thinning to reduce fuel loads in at-risk forests.

Bush was able to advance the proposal without the approval of Congress under an exemption for administrative regulations that do not significantly impact human environments. The proposal was subject to a 30-day public comment period before taking effect.

The 10 forests were selected for their high

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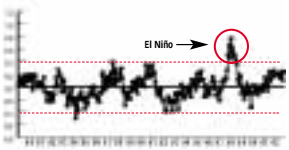
Is *this* global warming?

GLOBAL TEMPERATURES



Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. *See page 4*

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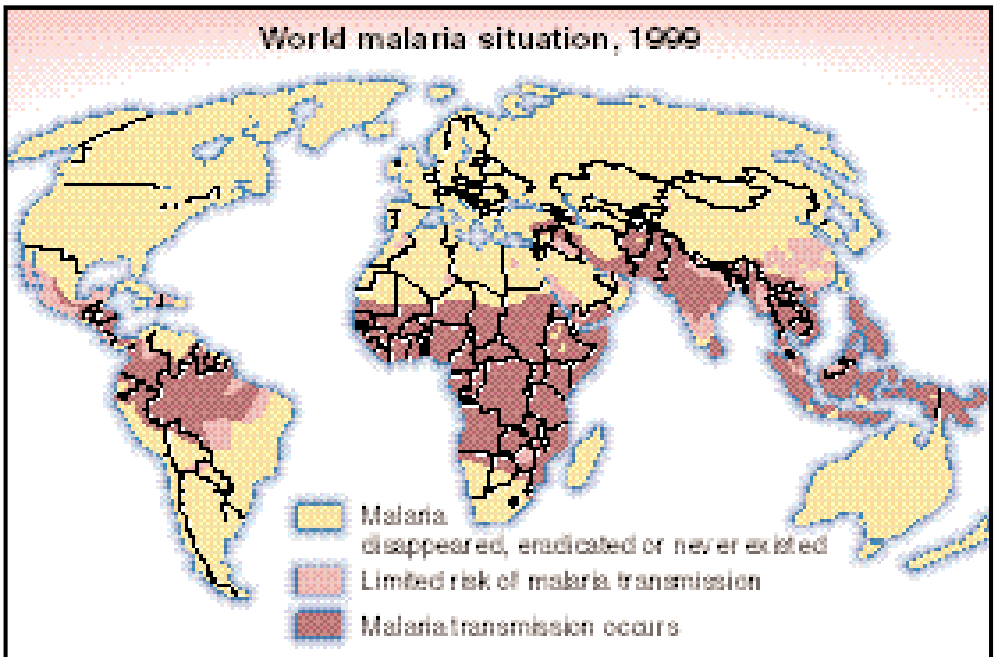
World malaria situation, 1999
Malaria disappeared, eradicated or never existed
Limited risk of malaria transmission
Malaria transmission occurs

New York Times Calls for Return of DDT

JAMES M. TAYLOR

By virtually all accounts, the *New York Times* is one of the most liberal mainstream newspapers in the United States. That is why a house editorial in the December 22 edition has created quite a stir.

"The world is losing the war against malaria," states the *Times*' unnamed editorial writer. "Malaria today kills more than a million people a year in Africa alone. One reason is that wealthy nations have limited the use of one of the best weapons, a pesticide that once saved hundreds of millions of lives."

That weapon is DDT.

"Very little DDT is needed to spray houses twice a year," added the *Times*. "The evidence about DDT's effects on humans is inconclusive. The uncertainties must be weighed against a demonstrated effectiveness in fighting a disease that now kills 1 in 20 African children. DDT also costs one-quarter the price of the alternative, pyrethroids."

Until an effective substitute for DDT is found, argues the *Times*, "wealthy nations should be helping poor countries with all available means—including DDT."

A Life-Saving Chemical

During World War II, American scientists adapted a Swiss moth-killing chemical into the single most effective weapon ever invented in the war against mosquitoes. The development and widespread use of DDT saved millions of lives worldwide and won its inventor a Nobel Prize.

In the 1960s and 1970s, however, public relations campaigns launched by anti-chemical activist groups scapegoated DDT for such alleged harms as cancer in humans and weakened egg shells and declining bird populations. Scientific research discredited those claims. An EPA administrative law judge held as much shortly before the agency nevertheless gave in to special-interest pressure and banned DDT in 1972.

"DDT is not a carcinogenic hazard to man," concluded the judge after seven months of hearings and 9,000 pages of testimony. "DDT is not a mutagenic or teratogenic hazard to man. ... The use of DDT under the regulations involved here does not have a deleterious effect on freshwater fish, estuarine organisms, wild birds, or other wildlife."

The EPA judge's conclusions followed directly on the heels of a report by the National Academy of Sciences, which concluded: "To only a few chemicals does man owe as great a debt as to DDT. ... [I]n a little more than two decades, DDT has prevented 500 million deaths due to malaria that otherwise would have been inevitable."

DDT Still Needed

Although the use of DDT effectively eliminated malaria in the United States and other developed countries before falling victim to environmental activist groups, the children of third-world countries have not been so lucky. With DDT use limited by pressure from environmental activist groups, 1 in every 20 children dies from malaria in sub-Sahara Africa, according to Steven Milloy, adjunct scholar at the Cato Institute.

Malaria and other previously defeated diseases are returning to the U.S. in the absence of DDT spraying. "About 1,200 cases of malaria are diagnosed in the U.S. each year," noted Henry Miller, a fellow at the Hoover Institution, "and it won't be long until West Nile virus infections far exceed that level."

"The practices of environmental advocacy groups are seriously degrading public health capabilities in the United States. Our public health threats are real, and growing," said Donald Roberts, professor of tropical public health at the Uniformed Services University of the Health Sciences.

It's one thing for scientists to rebut the claims of anti-pesticide activist groups; it's quite another for the *New York Times* to do so.

"Today, malaria control relies mainly on insecticide-treated bed nets and drugs, most of which have lost effectiveness as malaria grows resistant," states the *New York Times*. "DDT, which is sprayed on the inside walls of houses twice a year, is used in only about 24 countries. Wealthy nations that banned DDT at home will not pay for its use elsewhere. But the poorest nations depend on such donations. America used DDT to eradicate malaria, as did southern Europe and India."

James M. Taylor is managing editor of Environment & Climate News.

FOR MORE INFORMATION

WWW on DDT and malaria, see articles in back issues of *Environment & Climate News*, including "DDT Key to Third World's War on America" and several others in the July 2001 issue; and "West Nile Death March Heads West" in the October 2002 issue.

PolicyBot or use *PolicyBot* to search Heartland's extensive collection of research and commentary on the issue. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and select the Environment - Pesticides and DDT topic.

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Utah Fails to Block Goshute Nuclear Storage Facility

JAMES M. TAYLOR

The Nuclear Regulatory Commission on December 18 rejected the State of Utah's appeal to prevent the Goshute Indian Tribe from storing spent nuclear fuel on its western Utah reservation.

With political wrangling delaying the opening of Nevada's Yucca Mountain national storage facility until at least 2010, the U.S. has been accumulating an ever-growing amount of spent nuclear fuel. Nuclear energy providers, who must store the waste in on-site temporary facilities, have been searching for a safe and more centralized temporary storage facility. Immune to many of the activist pressures faced by national and state governments, the Goshute Tribe has been eager to provide just such a facility.

> **"Under an agreement worked out between the Goshutes and a nuclear utility consortium, the Tribe will store 40,000 tons of waste for up to 40 years. ... In return for leasing the space for the temporary storage facility, the tribe would receive as much as $3 billion to pay for new housing, education, and health care initiatives."**

Under an agreement worked out between the Goshutes and a nuclear utility consortium, the Tribe will store 40,000 tons of waste for up to 40 years. The spent fuel would be stored in 175-ton steel-and-concrete canisters situated on thick concrete pads until a permanent national waste storage facility is built. The proposal must still pass a number of regulatory hurdles and safety evaluations, but it is expected to meet those challenges with few difficulties.

For the Goshutes, a nuclear storage facility is the answer to their longstanding history of poverty. In return for leasing the space for the temporary storage facility, the tribe would receive as much as $3 billion to pay for new housing, education, and health care initiatives.

Private fuel storage on the tribal lands "is an excellent fuel management strategy until Yucca Mountain is developed," said Rod McCullum, a senior project manager at the Nuclear Energy Institute.

The State of Utah opposes the plan. Utah has no nuclear power plants and has enacted laws banning any storage of nuclear waste within its boundaries. However, the Goshute Indians have semi-sovereignty over their reservation and claim the state legislation does not apply to them.

Utah appealed to the Nuclear Regulatory Commission, arguing transport of spent fuel posed an undue risk to Utah residents. The state also argued the Goshute storage facility would present a terrorist target that could result in catastrophe for state residents.

The Commission's December 18 decision rejected Utah's concerns as remote. Utah's stated fear that a terrorist might highjack an airliner and crash it into the site was described by the Commission as "minuscule."

"These are very valid concerns," replied Utah Department of Environmental Quality Director Dianne Nelson, "and we most respectfully disagree with the Commission's conclusions."

"American Indians control their lands, so utilities can exploit that and try to avoid the democratic process," asserted Utah Deputy Attorney General Larry Jensen. "The utilities go to tribes because they know the states are going to fight them. They only have to deal with the tribe."

State officials have not indicated whether they will appeal the Commission's ruling.

James M. Taylor is managing editor of Environment & Climate News.

FOR MORE INFORMATION

WWW The Nuclear Regulatory Commission's December 18 decision is available through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document #**11379**.

Europeans Debate Nuclear Power

S. FRED SINGER

The European Union's July 2002 statement on Energy and Sustainable Development promised the EU would give technical assistance on safety to developing countries, such as China and India, that have nuclear power. The statement directly contradicts provisions of the EU's Energy Initiative for assisting developing countries, which excludes nuclear.

> **"Nuclear energy continues to supply one-third of Europe's electricity ..."**

In **France**, the June 2002 election saw a clear end to five years of Green Party influence on national nuclear energy policy. The Green Party won only three seats, while the center-right won more than two-thirds of the seats in parliament. The former Environment Minister lost her seat; the new Minister made clear that nuclear energy "pollutes the least of electricity options." There is optimism that a lead unit of the new, advanced European Pressurized Water Reactor (EPR) may be ordered before long. The first step, however, will be a national debate on energy and the role of nuclear power, culminating in a parliamentary decision on energy policy.

In **Germany**, the September 2002 elections narrowly returned the "red-green" coalition to power for four years. Their nuclear power phase-out policy is likely to continue, though any significant plant closures are many years away. The conservative parties hoping to form a new government are known to be strongly pro-nuclear on energy security grounds, though on the whole this did not feature in the campaign.

With half of Europe's installed wind capacity (9000 MWe)—due to generous subsidies and tariff arrangements—Germany is already encountering major problems in utilizing the output in its grid system. Other generating capacity, including some base-load coal plants, must be shut down when the wind blows, but held on standby for when it ceases to blow. Peaking capacity can fill in some of the slack during calm periods, but the wind capacity is now reaching the level (about 8 percent of total) that base-load plant is affected and some is running at less than half its potential, which raises costs significantly. Consumers and taxpayers thus pay the inflated costs for highly subsidized wind generation as well as higher costs for traditional sources due to inefficiencies caused by intermittent wind availability. Base-load power sells for about EUR 2cents/kWh, while utilities are forced to buy all wind power produced for 8.6c/kWh whenever it happens to be available.

In the **Netherlands**, the three-party coalition has confirmed the country's sole nuclear plant should remain operating for its full 40-year design life (to 2013), rather than close prematurely in 2004 as proposed by the previous government. One of the new coalition partners is canvassing the possibility of building a new reactor in Groningen. The new government is also considering allowing large-scale gas production from under a large nature reserve, the Wadden Sea, albeit with access from outside it. A significant proportion of the EU's gas reserves are involved.

In **Belgium**, the government has an anti-nuclear policy and pending laws with phase-out due to begin in 2013. But there is considerable ambivalence due to the clear conflict with climate change goals, and in any case there is an escape clause regarding security of supply. No legislative action is expected until after the 2003 elections.

In **Sweden**, the September 2002 elections returned the existing coalition, so the government is likely to proceed with a nuclear phase-out modeled on Germany's. Real action, however, will take place so far into the future that 10 of Sweden's operating nuclear reactors will complete their economic lives. The eleventh, Barseback-2 , is still under threat of early closure if the government works out how to replace its output from non-carbon sources. Meanwhile, the main effect of closure of Barseback-1 at the end of 1999 is that an extra 4 million tons of CO_2 is emitted annually from next-door Denmark. Very generous compensation paid to the plant's owners ensures it will not reopen.

Finland is preparing to build its fifth nuclear reactor following a clear parliamentary decision favoring that move.

Nuclear energy continues to supply one-third of Europe's electricity, and it remains the only way most countires can come near to meeting the CO_2 reductions required by Kyoto, though increased wind generation helps. While France and Finland continue to support nuclear power, ambivalence or hostility in several other EU countries will have serious implications in the medium to long-term, though not immediately.

Sources: Foratom Bulletin, Nucleonics Week, ESAA Electricity Supply, New Scientist.

S. Fred Singer, professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project, shares his thoughts on environment and climate news stories of the month. Singer's The Week That Was columns can be found at www.sepp.org.

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What Is the Kyoto Protocol?

The Kyoto Protocol on global warming is an amendment to the 1992 United Nations Framework Convention on Climate Change (UNFCCC), more popularly known as the Rio Treaty.

Whereas the Rio Treaty set voluntary goals for reducing greenhouse gases, the Protocol requires participating developed countries to reduce their greenhouse emissions by 5.2 percent of 1990 levels by 2012. The goal for the U.S. was to have been 7 percent below 1990's level. The United States withdrew from the Kyoto Protocol last year, but remains a party to the 1992 Rio Treaty.

The Protocol goes into effect when no fewer than 55 parties to the UNFCCC accounting for at least 55 percent of the total carbon dioxide emissions for 1990 have ratified, accepted, approved, or acceded to the Protocol.

According to the Web site of the United Nations Framework Convention on Climate Change (http://unfccc.int/), as of December 20, 2002 101 countries accounting for 43.9 percent of global man-made carbon dioxide emissions had ratified the Protocol. The Protocol was most recently ratified, in December, by Canada, New Zealand, and Poland.

EARTH TRACK

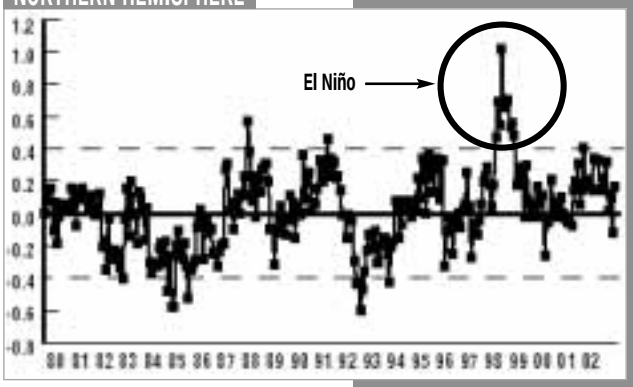
Each month, Earth Track updates the global averaged satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses.

Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C.

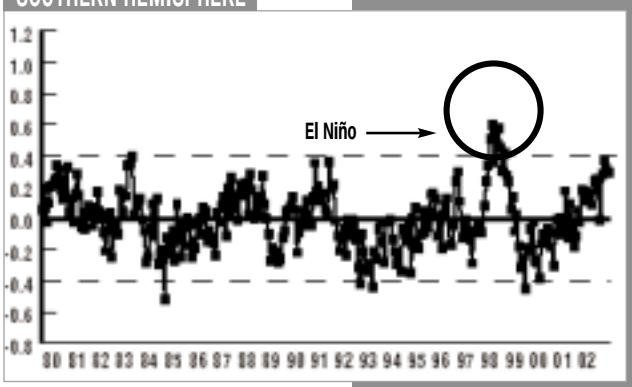
NOVEMBER 2002

The global average temperature for November, shown on page 1, was 0.23°C above normal. The Southern Hemisphere's temperature departure, shown below, was 0.30°C above normal; the Northern Hemisphere's, below right, was 0.17°C below normal.

NORTHERN HEMISPHERE



SOUTHERN HEMISPHERE



The data used to create these graphs can be found on the Internet at http://vortex.nsstc.uah.edu/data/msu/t2lt/tltglhmam_5.0.

STATES continued from page 1

According to Novak,

- Hawaii would lose 9,700 jobs and $329 million in tax revenue. Unemployment would reach 8.2 percent.
- Illinois would lose 190,000 jobs and $5.2 billion in tax revenue; unemployment would reach 6.1 percent.
- New York would lose 140,000 jobs and $7.1 billion in tax revenue; unemployment would reach 7.8 percent.
- Washington would lose 47,000 jobs and $2.4 billion in tax revenue; unemployment would reach 6.8 percent.

Ironically, recent legislative activity suggests these states are most likely to consider bills to cap greenhouse gas emissions during the upcoming legislative session.

These estimates are probably significantly less than the likely cost to a state of trying to "go it alone," since businesses and taxpayers would tend to migrate to other states to avoid higher energy costs.

Global Warming Myths and Facts

The poison pill of state CO2 legislation might be worth taking if global warming were a real, imminent, and catastrophic threat, and if Kyoto-style action could address it. Neither is true, however: Most scientists say the global warming threat has been greatly overstated by the national media, and Kyoto-style greenhouse gas emission curbs would have little effect.

Though you'd never know it from the alarmism displayed by the national media, each year's advances in scientific understanding point to a more moderate and beneficial warming of the Earth's climate.

Early computer models, programmed according to infant global warming theories, predicted a twenty-first century warming of 10 degrees Celsius or more. Such alarmist predictions have been steadily eroded by growing scientific understanding of the issue, and the most reliable computer models now predict a warming of only a degree or two by 2010.

Even today's computer models, moreover, likely overstate the nature of any future warming. Like their predecessors, today's models predict the Earth should have already become much warmer than it is. If the models can't accurately predict *current* temperatures, there's little reason to believe they are accurately predicting temperatures decades into the future.

Today's computer models, and the theories on which they rest, predict global warming will first become evident in the lower atmosphere, rather than on the Earth's surface. Precise satellite readings of the lower atmosphere, continuously monitored since the satellites were launched in 1979, show the lower atmosphere hasn't warmed at all.

The only observed warming has occurred at ground-based stations prone to tainted readings and human error. For example, most ground-based readings are taken at urban and suburban airports surrounded by rapidly growing industrial and residential areas. Anybody who has lived near a large city knows urban areas create artificial heat islands that make the local temperature several degrees warmer than the more sparsely populated surroundings. Naturally, temperatures at these stations will steadily increase as the metropolitan region grows, regardless of any global climate trends.

Ground-based weather stations in rural areas show much less warming than urban stations or no warming at all. Similarly, temperature readings in developed countries like the U.S., where more care is taken to maintain consistency in thermometer placement and other conditions, show less warming than readings in third world countries, where such precautions are less likely to be taken.

Why do alarmists give more weight to ground-based temperature readings subject to tainted readings and human error than to precise satellite readings immune to such errors? Could this be an example of using junk science to scare the populace for self-serving motives?

An Ineffective Solution

Even if rising CO2 levels were causing global warming, full implementation of the Kyoto Protocol would have only a minuscule impact on climate. The very computer models that predict global warming also predict 94 percent of the projected warming would still occur even if Kyoto were fully implemented. Patchwork state legislation would be even less effective in reducing warming.

The U.S. contributes 25 percent of man's global greenhouse gas emissions; the average state, then, contributes just one-half of 1 percent of those emissions (.25 x .02 = .005). Greenhouse gas reduction programs can feasibly target only a 25 percent or so reduction in emissions, and are likely to fall far short of this. Therefore, any state's implementation of Kyoto-style greenhouse gas laws might at best reduce greenhouse gas emissions by a mere 1/8 of 1 percent (.005 x .25). The result would be a largely symbolic statement made at great cost to the state's residents.

"The very computer models that predict global warming also predict 94 percent of the projected warming would still occur even if Kyoto were fully implemented. Patchwork state legislation would be even less effective in reducing warming."

FOR MORE INFORMATION

WWW see *Heartland Policy Study* No. 101, "Review of State Greenhouse Gas Emission Reduction Programs," by James M. Taylor and Jay Lehr. Copies of the study are available for $10 through The Heartland Institute's online store at **www.heartland.org**. The full text is also available on the Heartland Web site, in HTML or Adobe Acrobat's PDF format, free of charge.

State carbon dioxide caps would sentence a state's workers and taxpayers to extended recession, high unemployment, and confiscatory energy taxes, merely to reduce global temperatures by an immeasurable fraction of a degree.

Liberal activist groups can believe they have the power to overturn the laws of physics and economics by regulatory fiat, but reality is more stubborn than they think. State legislators should take care not to be duped.

James M. Taylor is managing editor of Environment & Climate News *and, with Heartland Institute Science Director Jay Lehr, author of a new* Heartland Policy Study *on state greenhouse gas initiatives.*

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Midwesterners Leery of Greenhouse Gas Credits

JIM JOHNSTON

In November and December 2002, the U.S. Department of Energy held a series of workshops in Washington, DC, Chicago, San Francisco, and Houston to collect information about how the department's Voluntary Greenhouse Gas Reporting System should be modified to implement directives issued by President George W. Bush.

Participants in the Chicago workshop, held December 5-6, were decidedly leery of the DOE's desire to make the reporting program a platform for a greenhouse gas emission trading program.

Background

On February 14, 2002 President George W. Bush proposed a climate change initiative focused on sequestration and reducing greenhouse gas intensity (emissions per dollar of GDP) in energy production and consumption. (See "Bush Announces Kyoto Alternative," *Environment & Climate News*, April 2002.)

The President's proposal departed from the approach taken by the Kyoto Protocol, where the objective is to reduce greenhouse gas emissions to 7 percent below the base year of 1990. By contrast, the President's objective is to encourage energy efficiency and voluntary greenhouse gas reductions.

Toward that end, the Department of Energy was directed to improve the present greenhouse gas reporting system established under Section 1605(b) of the Energy Policy Act of 1992. The President says he wants to ensure that firms registering emission reductions will not be "penalized under a future climate policy." Moreover, "transferable credits [will be given] to companies that can show real emissions reductions."

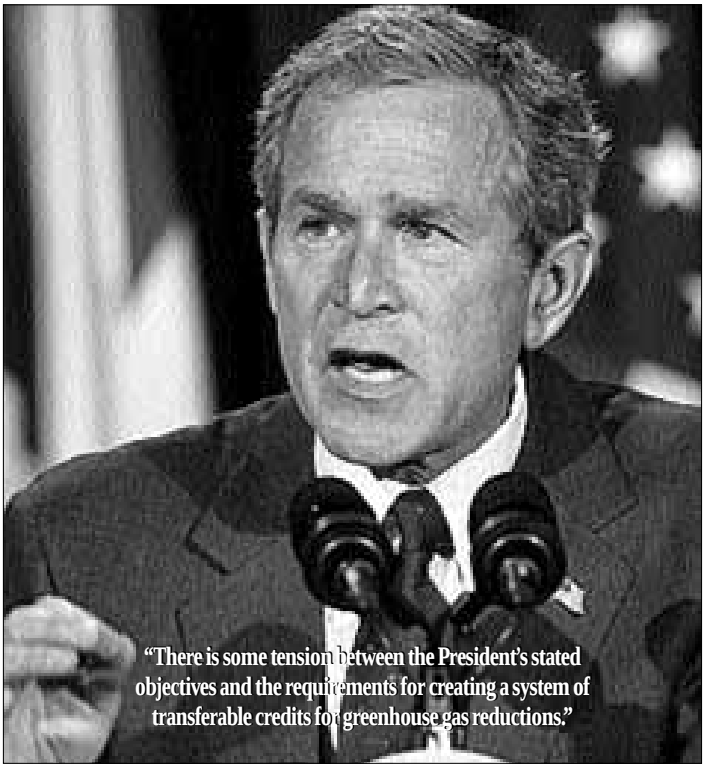
"Participants in the Chicago workshop, held December 5-6, were decidedly leery of the DOE's desire to make the [voluntary greenhouse gas] reporting program more attractive."

As the Chicago workshop showed, there is some tension between the President's stated objectives and the requirements for creating a system of transferable credits for greenhouse gas reductions.

Identifying Sources

A greenhouse gas emissions trading system would require the identification of emission sources, and for each the establishment of baseline emissions for some year, like 1990. This is not as easy as it sounds. The range of possible emission sources is much wider with respect to greenhouse gases than, say, sulfur dioxide. Moreover, there are six primary greenhouse gases, and it is not clear how the trading of these gases might exchange with one another.

Not only must a greenhouse gas trading scheme allow for the trading of multiple greenhouse gases, it must also recognize corporate entities often have more than one *source* of emissions. There are theoretical gains to be achieved simply from averaging sources within an entity. Achieving such gains does not require a full-blown emissions trading market with all of the attendant transaction costs. It is instructive to note that throughout its history (since 1995), the much simpler Title IV trading of sulfur dioxide has mainly involved each electric utility trading with itself.



"There is some tension between the President's stated objectives and the requirements for creating a system of transferable credits for greenhouse gas reductions."

Participants in the DOE's Chicago workshop discussed at length the form of the emissions to be measured. Emissions might be measured as absolute levels; as estimates derived from energy fuel consumption; on the basis of intensity (emissions per unit of economic output, perhaps per dollar of GDP), as is mentioned in the Presidential initiative; as project-specific emissions; or entity-wide. The number of measurement options available makes it more difficult to set baselines and measure subsequent compliance.

Verifying Emissions

Participants in the Chicago workshop discussed the challenges posed by the need to develop credible baseline data and verify emission reductions on an ongoing basis. The ubiquitous nature of carbon dioxide makes it very difficult to associate emissions with any specific source.

The verification problem is especially difficult with sequestration projects. The effect of growing plants and trees to absorb CO_2 is estimated on a macro scale using computer models. Calculating local effects may not be feasible. Moreover, it is difficult to estimate what the CO_2 levels would have been in the absence of sequestration projects. That difficulty also presents itself for other projects that involve emission reduc-

MIDWEST continued on next page

FOR MORE INFORMATION

WWW on the DOE's 1605(b) workshops—including participant lists, audio recordings, and lengthy PDF files offering the complete record for each of the four hearings—point your Web browser to **http://www.pi.energy.gov/enhancingGHGregistry/workshopsInfo.html**

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Reports of More Icebergs Are Misleading

S. FRED SINGER

Contrary to opinions held by some researchers, a new analysis of more than 20 years of historical data has found no evidence that the increasing number of large icebergs off Antarctica's coasts is a result of global warming trends.

"The dramatic increase in the number of large icebergs as recorded by the National Ice Center database does not represent a climatic change," said Brigham Young University electrical engineering professor David Long, who, with Cheryl Bertoia of the U. S. National Ice Center, reports these findings in a recent issue of *EOS Transactions*, a publication of the American Geophysical Union. "Our reanalysis suggests that the number of icebergs remained roughly constant from 1978 to the late 1990s."

"Dr. Long's analysis shows that the increase is only an 'apparent increase,' and that it is premature to think of any connection between this kind of iceberg (growth) and global warming," said Douglas MacAyeal, a University of Chicago glaciologist who tracks icebergs. "His research, particularly with his amazing ability to detect and track icebergs, is really the best method" for determining the actual rate of the creation of icebergs.

> **"The dramatic increase in the number of large icebergs as recorded by the National Ice Center database does not represent a climatic change. Our reanalysis suggests that the number of icebergs remained roughly constant from 1978 to the late 1990s."**
>
> DAVID LONG
> PROFESSOR OF ELECTRICAL ENGINEERING, BRIGHAM YOUNG UNIVERSITY

Using BYU's supercomputers, Long enhanced images of the waters around Antarctica transmitted by satellite. Comparing that data to records from the federal government's National Ice Center, which tracks icebergs larger than 10 miles on one side, he determined previous tracking measures were inadequate, resulting in a gross undercounting. An additional recent spike in large icebergs can be explained by periodic growth and retraction of the large glaciers that yield icebergs every 40 to 50 years, he said, noting previous research done by other scientists.

Long is careful to distinguish between the birth of large icebergs and the widely publicized collapse of the Larsen B ice shelf last year, which yielded many smaller icebergs. Other scientists have clearly shown, Long said, that event was the result of localized warming.

Referring to his current study, Long said, "This data set is not evidence of global warming. Nor does it refute global warming."

Long and his student assistants have pioneered the use of images generated from the SeaWinds-on-QuikSCAT satellite for tracking icebergs. The NASA satellite carries a device called a scatterometer, which measures wind speed and direction by recording the reflection of radar beams as they bounce off ocean waves. Until recently, the resolution of the images generated by the scatterometer was too low to distinguish icebergs. Long's team developed a computer processing technique that produces images sharp enough to reliably track icebergs.

The BYU group has been working with the National Ice Center since 1999, when Long rediscovered a massive iceberg, the size of Rhode Island, threatening Argentine-shipping lanes. The Ice Center had lost track of it because of cloudy skies.

Source: D.G. Long et al., "Is the number of icebergs really increasing?" Eos 83, No. 42, October 24, 2002.

S. Fred Singer, professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project, shares his thoughts on environment and climate news stories of the month. Singer's The Week That Was columns can be found at www.sepp.org.

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tions, like car pools for employees and other energy conservation efforts.

Because of the inherent difficulty in arranging a data reporting system for emission reduction projects, it would not be surprising to see such projects disappear from any trading program once it is established. Such has been the case for the Title IV and RECLAIM systems.

Questions arose about how the emission reports submitted by entities participating in a trading scheme would be verified. Participants at the Chicago workshop thought a signed statement from the entity's technical manager would suffice, but it is not clear such an arrangement would satisfy government officials. Nor is it obvious what alternatives to self-reporting would be acceptable ...but Arthur Anderson and vote counters in Florida are definitely not on the list.

Breaking the Promise

Although President Bush has directed the Secretary of Energy to reform the greenhouse gas reporting system to make it more attractive to greenhouse gas emitters, the directive brings with it no guarantees. It can be superceded at any time, by a subsequent directive from Bush himself or by a new President. Congress also has the authority to substantially change rules established by the administration.

> **"Because of the inherent difficulty in arranging a data reporting system for emission reduction projects, it would not be surprising to see such projects disappear from any trading program once it is established."**

The record of governments that currently supervise emission trading schemes is not encouraging in this respect. Indeed, the Clean Air Act Amendments of 1990, which established a sulfur dioxide emissions trading scheme, and the RECLAIM trading system adopted by the South Coast Air Quality Management District in California have explicit provisions allowing subsequent changes or outright elimination of emissions trading:

An allowance allocated under this title is a limited authorization to emit sulfur dioxide in accordance with the provisions of this title. Such allowance does not constitute a property right. Nothing in this title or in any other provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. [Clean Air Act Amendments of 1990, 405(f)]

—

RTCs [RECLAIM Trading Credits] are not property within the meaning of the state and federal constitutions. The [South Coast Air Quality Management] District reserves the right to limit, suspend or terminate any RTCs, or the authorization to emit ... [Regional Clean Air Incentives Market, Volume I, October 1993, page 3-19]

Since the allowances and credits are not property, reducing their value by changing the rules is not a "takings" under the Fifth Amendment of the Constitution. Thus, the governments are not required to offer compensation to the injured parties.

It was later discovered that these provisions were not idle threats. In April 2002, a change in the rules for trading sulfur dioxide allowances in Philadelphia—where 80 percent of the modest trading was taking place—all but dried up the market. During the electricity crisis of 2000 and 2001, the South Coast Air Quality Management District suspended the trading of RECLAIM credits among electric utilities and replaced trading with monetary penalties for emissions.

What Is a Company to Do?

The Chicago workshop made clear the many flaws associated with a system of voluntarily reporting greenhouse gas emissions. It has all the dangers of self-incrimination: providing the government [not to mention competitors and environmental groups] with information that could be used to reward allies and punish adversaries. In the present anticapitalist environment, where private-sector firms are viewed with considerable hostility, political rewards and punishments are very real possibilities. It is obviously tempting for emitting entities to avoid participation in such a program.

On the other hand, being absent from the political arena leaves firms vulnerable to disadvantages built into the trading regime by competitors, as was done when the federal government and several states mounted an antitrust suit against Microsoft. Moreover, firms that refuse to participate may lose a public relations advantage available to those who voluntarily decrease emissions.

For a firm facing such dangers from government-funded designs for reducing greenhouse gases, it would be prudent to support financially analysts and free-market institutions not committed to government solutions. It would be prudent as well to promote more scientific inquiry into global warming theory. Contrary to the claims of the political establishment, the science is far from settled.

Jim Johnston is an economist retired from Amoco and a policy advisor to The Heartland Institute.

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New Thinking on Environmental Policy

JEFF KUETER

Environmental policymaking in the United States is dominated by a mistaken focus on big-culprit, big-ticket, and big-government solutions.

While disputes over large-scale environmental questions grab the headlines, they obscure the fact that both sides of the environmental debate are missing important national realities. For example, a leading cause of water quality problems is not some industrial behemoth, but "nonpoint source" pollution—i.e., individual polluters, the tens of millions of us who fertilize our gardens or change the oil in our cars.

Civic Environmentalism Needed

A new way of thinking about protecting nature is required to deal with these kinds of environmental challenges. "Civic environmentalism" abandons the large-scale, failed, command-and-control politics that were born in the 1960s, replacing them with workable, local efforts. It recognizes that "the environment" is not a special realm reserved for experts and professional activists, but an essential aspect of public life—a place for citizens. That kind of thinking may be anathema to the big environmental groups, but it's the only effective approach to today's diffuse, varied, and highly local ecological challenges.

Civic environmentalism is a new approach to solving environmental problems. It combines the most effective elements of command-and-control regulation and free-market environmentalism. While regulation succeeds in focusing attention on a particular problem and setting national standards for environmental protection, it often fails to craft effective, cost-minimizing solutions. The free-market approach encourages the most flexible, specialized fixes, but often distributes environmental protection unevenly.

Civic environmentalism would incorporate market-oriented policies to encourage private property owners to contribute to the public good of environmental protection. The approach is designed to provide greater levels of accountability at the local level while allowing better environmental protection at lower costs than federal regulation. Civic environmentalism synthesizes the strengths of the federal government in making environmental policy and the unique abilities of state and local governments.

Web of Regulation

Today, environmental policy is dominated by a network of national "command-and-control" regulations issuing from the centralized policymaking machinery of Washington. This web of regulation, growing over the course of more than three decades, has steadily strangled the ability of responsible citizens to work together to improve the environment. Too often, "grassroots" efforts now mean nothing more than lobbying the federal government. Individual initiatives are confined to symbolic efforts to "save the Earth." In fact, however, "the environment" is not a special realm reserved for experts and professional activists, but an essential aspect of public life—a place for citizens.

Recognizing this fact, civic environmentalism asks people to think locally and act locally. It claims that serious and responsible deliberation in communities and states, mobilizing the efforts of as many citizens as possible, can improve environmental quality and civic life. This emphasis on local, citizen mobilization is uniquely adapted to meeting today's complex environmental issues.

In giving real people real authority to do real things, civic environmentalism taps a remarkable resource: local knowledge. In 1995, after decades of failing with a "top-down" approach to managing its valuable lobster habitat, the state of Maine finally empowered lobstermen, through local councils, to develop fishing rules.

"In giving real people real authority to do real things, civic environmentalism taps a remarkable resource: local knowledge."

In two years, the lobstermen settled questions that had been argued in the state legislature for 30 years—setting trap limits that are in almost all cases lower than the state maximum.

Civic environmentalism accepts that there are important matters about which people can reasonably disagree. It does not promise specific ecological outcomes, nor does it guarantee we'll save money ... although it does make it more difficult to implement million-dollar solutions to $100,000 problems. What it does promise is to produce results communities will stand by.

This is especially important as we enter today's new, more local phase in environmental policy, from nonpoint pollution control to regional ecosystem issues. The federal government cannot control these activities alone. Building effective solutions requires the work of communities and networks of communities in true partnership with national action.

Jeff Kueter is executive director of the George Marshall Institute.

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susceptibility to fire and their proximity to human population centers. The selected areas are:

- Eldorado National Forest, in northeastern California
- Mendocito National Forest, in northern California
- Forests near Pocatello, Idaho
- Huron-Manistee National Forests, in northeastern Michigan
- Forests near Las Vegas, Nevada
- Forests near Medford, Oregon
- Sam Houston National Forest, in southeastern Texas
- Dixie National Forest, in southwestern Utah
- Forests near a Bureau of Land Management office in southwestern Utah
- Forests near the Leavenworth National Fish Hatchery in northern Washington.

The selected areas will undergo an initial environmental analysis but will not be subject to the type of comprehensive environmental impact statement recently required for similar forest-thinning projects. The environmental analysis will be accompanied by a review of the economic consequences that would have occurred had the forest not been part of the pilot project.

A primary objective of the project is to limit the lengthy and frequently redundant environmental appeals process. Currently, proposals to thin overgrown forests can be stalled for years by appeals and lawsuits filed by anti-logging activist groups, even when the appeals and lawsuits have no merit.

"We have a situation now which our chief of the Forest Service likes to call 'analysis paralysis,' where you make a decision, and it continues to get appealed in the courts," said U.S. Agriculture Secretary Ann Veneman. "We then never get anything done."

"Dense overgrown forests and rangelands have grown like cancer," said Interior Secretary Gale Norton. "They need to be treated."

Prior Management Proposals

The President's latest proposal comes after his Healthy Forests Initiative made little political headway on Capitol Hill. That initiative, proposed in August 2002, intended to remove unnecessary regulatory obstacles that hinder active forest management. According to U.S. Forest Service Chief Dale Bosworth, bureaucratic processes frequently choke off efficient and effective forest management.

The Healthy Forests Initiative also called on Congress to reform laws that allow activist groups to prevent timely forest management by launching a seemingly unending stream of administrative challenges and federal lawsuits. The General Accounting Office reports environmental appeals delayed 48 percent of the Forest Service's fire prevention projects in fiscal years 2001 and 2002.

"We have a problem with the regulatory body there in Washington," said Bush in announcing the Healthy Forests Initiative from the top of Oregon's Squires Peak. "There are so many regulations, and so much red tape. ... [T]here are just too many lawsuits, just endless litigation.

"We want to make sure our citizens have the right to the courthouse," added Bush. "But there's a fine balance between people expressing themselves and their opinions and using litigation to keep the United States of America from enacting common-sense forest policy."

Bush's Initiative died when then-Senate Majority Leader Tom Daschle (D-South Dakota) blocked it in the U.S. Senate. Supporters were particularly outraged by Daschle's intransigence because he had brokered a very similar initiative that applied solely to lands in his home state.

More Regional Autonomy

Following Congressional inaction on the Healthy Forests Initiative, Bush on November 27 proposed granting regional foresters more discretion in conducting case-by-case environmental analyses of the needs of their forests. Rather than subjecting all potential forestry decisions to a central bureaucracy with one-size-fits-all regulations, Bush proposed granting regional foresters the authority to determine what level of analysis would be most appropriate for project proposals in their forests. At the time this story went to press, that proposal was undergoing public comment and was expected to be implemented in early 2003.

"President George W. Bush['s December 11] ... proposal includes pilot projects in 10 test areas to determine the efficiency and effectiveness of forest thinning to reduce fuel loads in at-risk forests."

"With this proposal, the agency seeks to produce a planning rule that sets the stage for planning to be done in a reasonable manner, at reasonable costs, in a reasonable amount of time," the November proposal stated.

The proposal's monetary savings "can be used to address critical areas, such as wildfire prevention, watershed protection, and recreation facility maintenance," said U.S. Forest Service Associate Chief Sandy Collins.

Wake-up Call

The President's December 11 proposal is designed to prevent a repeat of the catastrophic forest fires that have plagued the American West in recent summers. Last year alone, wildfires burned more than 7 million acres of land and destroyed more than 2,000 homes and buildings.

"This summer's fire season was a wake-up call to everyone who loves our public lands and wants to protect communities at risk," said James Connaughton, chairman of the White House Council on Environmental Quality. "We face a crisis of forest and rangeland health of unprecedented proportions, where millions of acres of land desperately need more effective management to promote ecosystem restoration."

"These common-sense steps will allow federal agencies to spend millions of dollars a year on environmental restoration and conservation rather than needless paperwork," Connaughton added. "The result will be safer communities, safer firefighters, and healthier forest ecosystems."

"We have two choices," agreed James Hansen (R-Utah), chairman of the House Resources Committee. "Act swiftly this winter, or do little and next summer spend another $1 billion fighting ferocious wildfires that eat up another 7 million acres of forests and habitat, destroying homes and killing wildlife. We choose to act."

Learning from Experience

Bush's proposals draw heavily from lessons recently, and painfully, learned. In 1996 federal officials identified the Squires Peak area as a high-risk fire region and began planning to thin crowded trees and dense underbrush on 24,000 acres. But six years of analysis, documentation, administrative appeals, and lawsuits delayed and reduced the scope of the project to only 430 acres.

When lightning ignited the Squires Peak fire on July 13, 2002, an inferno quickly spread through 2,800 acres of unmanaged forests. In unthinned areas, the fire killed most trees, sterilized soils, and destroyed the habitat of threatened spotted owls. But when the fire reached the 430 acres addressed by the Squires Peak management program, the fire was starved of its fuel and the forest was unharmed. The fire cost $2 million to suppress in the unthinned areas, and $1 million more will be needed to rehabilitate the devastated area.

Squires Peak was not the first time active forest management proved instrumental in saving plant and animal life from raging wildfires.

"The President's December 11 proposal is designed to prevent a repeat of the catastrophic forest fires that have plagued the American West in recent summers."

After an outbreak of wildfires seven years ago blackened much of the Arizona landscape, Flagstaff assistant fire chief Jim Wheeler worked with officials in the Coconino National Forest to thin forests on 100,000 acres of land adjacent to Flagstaff. Last year, the program proved remarkably effective in desperate conditions.

In June 2002, at the same time and in the same vicinity that a Fort Apache, Arizona fire blazed out of control, a wildfire broke out near Flagstaff. However, unlike the Fort Apache fire, after the Flagstaff fire raced toward a subdivision of homes, it died out in a grove of ponderosa pines Wheeler had thinned.

"The point is this," said Wheeler. "Either we start thinning the forests ourselves or we are going to lose them to a catastrophic fire."

James M. Taylor is managing editor of Environment & Climate News.

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Wood-burning Fireplaces May Be Banned in California

JAMES M. TAYLOR

For more than a million California residents, December 24, 2002 may have been the last Christmas Eve during which they could cozy up to a fire and share a little holiday spirit. The San Joaquin Valley Air Pollution Control District has proposed making wood-burning stoves and fireplaces illegal in the Central Valley.

According to the District's proposal, it will be illegal for Central Valley residents to build a home with wood-burning fireplaces and stoves. Moreover, Central Valley residents will be required to disable permanently their existing masonry fireplaces, convert their fireplaces to natural gas, or install expensive soot-catching devices. Even the few homeowners who can secure an exemption to the new law may still be forbidden from lighting fires on designated high-pollution days.

The District's plan, expected to be approved this Spring, will affect roughly 500,000 homes and more than a million residents in the Central Valley. Retrofitting existing fireplaces or buying new natural gas fireplaces will cost homeowners thousands of dollars per fireplace.

Ironically, according to the nonprofit California Hearths and Homes, many homeowners opted to build wood-burning fireplaces when former President Jimmy Carter urged Americans to turn down the thermostat and reduce their consumption of fossil fuels. Now, after spending the money to reduce their fossil fuel reliance, fireplace owners are being blamed for pollution and made to spend still more money to comply with dictates from the same anti-energy activist groups that induced them to install fireplaces in the first place.

About 70 percent of the Central Valley's smog is attributable to sources other than fireplaces. Many of those sources are located outside the valley, in the San Francisco Bay area. San Francisco-area activists are among those leading the call for fireplace bans in the Central Valley.

Kevin Hall of the Sierra Club lamented the law had not been passed earlier. "The air board has never really had the political backbone to pass some of the most needed regulations," he said.

"I have a problem with you telling me I can't light my fireplace," responded Bakersfield resident Pat White. "You're telling me what I can and can't do in my home. That's not fair."

The proposal is especially painful for homeowners who installed a fireplace to help save money on winter energy costs. "I know we are all attracted to the ambiance, but I believe for most of us, it's a necessity," said Dawn Keeton, a Central Valley resident and owner of a wood-burning stove business.

FOR MORE INFORMATION

WWW on the proposed fireplace ban, visit the Web site of the San Joaquin Valley Air Pollution Control District at http://www.valleyair.org/.

'The San Joaquin Valley Air Pollution Control District has proposed making wood-burning stoves and fireplaces illegal in the Central Valley."

The new proposal comes at an especially bad time for California residents. Energy costs have spiked in recent years due to state officials' mismanagement of the power grid and mandatory reliance on expensive alternative energy sources, such as wind power.

"With our energy costs going through the roof, you have to keep the house warm with a supplemental fire," said Fresno resident and former California Air Resources Board member Doug Vagim. "The lifestyles of the folks in this valley don't have to be impacted by a Nazi-type era keeping us from burning in our homes."

James M. Taylor is managing editor of Environment & Climate News.

Preserving the American Dream

A Conference for Supporters of Mobility and Homeownership • Washington, DC • February 23-25, 2003

It is time to start a new movement aimed at preserving the American Dream of mobility and homeownership. This conference will bring together dozens of urban experts with scores of professionals and activists working to protect freedom, mobility, and livability in their home cities and regions.

The conference will help you effectively oppose rail transit boondoggles, high-density urban zoning, restrictions on rural property rights, and other so-called "smart-growth" policies. It may also lead to the creation of an American Dream Coalition that will promote free-market solutions to urban problems.

Business leaders, rural landowners, and urban residents concerned about traffic congestion, high-density zoning, and restrictions on property rights should all attend this conference. Speakers will include Wendell Cox (public-purpose.com), Robert Nelson (University of Maryland), Steve Hayward (American Enterprise Institute), Randal O'Toole (Thoreau Institute), Sam Staley (Buckeye Institute), and many more.

Preserving the American Dream is co-sponsored by the Heartland Institute, Heritage Foundation, Thoreau Institute, and several other organizations. The conference will take place at the Wyndham City Center Hotel in Washington, DC. Register soon, as space is limited. For more information, see www.ti.org/amdream.html.

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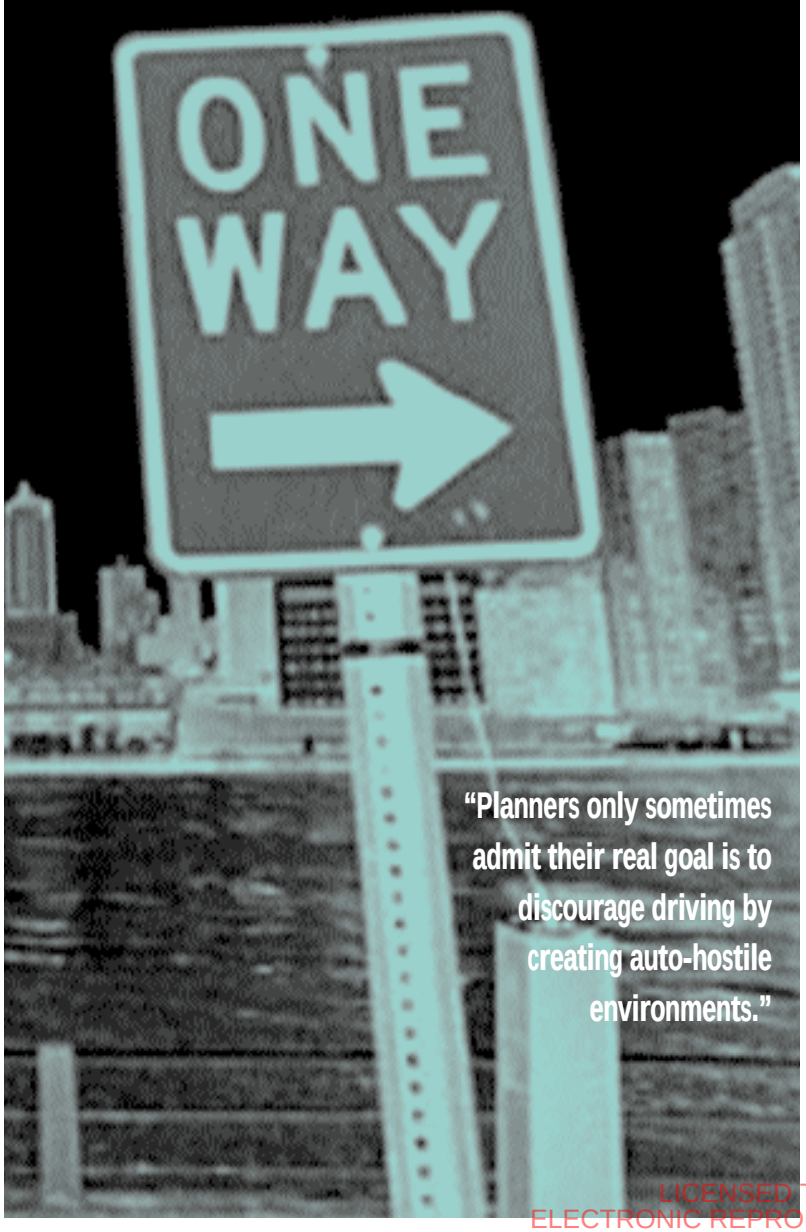
Don't Abandon One-way Streets!

By Randal O'Toole

In Cambridge, Chattanooga, and other cities, traffic engineers have become outspoken opponents of one-way to two-way conversions



"Planners only sometimes admit their real goal is to discourage driving by creating auto-hostile environments."

The latest fad among urban planners is to convert one-way streets to two-way streets. The goal, they say, is to slow down traffic and make streets more pedestrian-friendly.

One-way to two-way conversions are being planned or implemented in Austin, Berkeley, Cambridge, Chattanooga, Cincinnati, Louisville, Palo Alto, Sacramento, San Jose, Seattle, St. Petersburg, and Tampa, among other cities. These proposals have become a major source of controversy in at least some of these cities, especially Austin, Cincinnati, and Chattanooga.

By almost any measurable criteria—safety, pollution, congestion, and effects on most local businesses—one-way streets are superior to two-way streets. The idea that two-way streets are superior because they are more pedestrian-friendly is just a planner's fantasy that disguises the real intent: to create an auto-hostile environment.

WHY ONE-WAY STREETS?

Most one-way streets in this country were first created between the 1930s and 1950s from two-way streets. Those conversions took place in areas built before the automobile became the prevalent form of transportation. Such areas tend to have narrower streets and smaller blocks than post-auto cities. One-way streets were thus an attempt to accommodate auto traffic in areas not built for the auto. The wider streets and longer blocks typical of post-auto areas often allow improved traffic flows without one-way streets.

Before the 1990s, transportation policy was firmly in the hands of traffic engineers, whose primary goal was safety, with a secondary goal of the movement of people and goods. Cities that converted two-way streets to one-way streets noted a significant decline in accidents.

One-way streets have the obvious advantage that pedestrians and drivers need look only one way when watching for traffic. How many times have you looked both ways when crossing a two-way street, only to be nearly hit by a car coming from the first direction you looked?

One-way streets also permitted higher average speeds because signals on a one-way grid could be synchronized to allow drivers in all directions to proceed indefinitely at a fixed rate of speed. A semblance of synchronization can be approached on a two-way grid only if signals are more than a half-mile apart, and even then it is less than perfect. Traffic on two-way streets, for example, is often delayed by special left-turn signals, which are not needed on one-way grids.

Faster speeds on signal-synchronized one-way streets increased road capacities without laying more pavement. Since the increase was in the average rate of speed, not the top speed, increased speeds posed no loss in safety. One-way streets not only have greater capacity than two-way streets, they save the space two-way streets require for left-turn lanes.

In the 1970s a new goal—reduced air pollution—led to more conversions of two-way streets to one-way. The smooth flow of traffic allowed by signal synchronization meant less auto emissions. Since cars pollute more at slower speeds and in stop-and-go traffic, one-way streets can generate significantly less pollution than two-way streets.

PROPOSALS TO CONVERT BACK

Today, transportation policy is in the hands of urban planners who claim their goal is to make cities more livable by designing them for people, not cars. That people in most American cities do 85 to 95 percent of their travel by car does not deter planners from making this artificial dichotomy.

"A pedestrian-oriented hierarchy of transportation promotes density, safety, economic viability, and sustainability," say Austin's Downtown Design Guidelines. In transportation planning, "sustainable" has become a code word for "anything but automobiles." Beyond this, Austin does not say why density is an appropriate goal, nor have planners shown how a pedestrian orientation is more economically viable than an auto orientation.

Austin goes on to say, "The safety and comfort of pedestrians is of greater concern than the convenience of a driver." This statement assumes pedestrian safety and comfort is incompatible with the convenience of drivers. In fact, the two need not be incompatible.

Planners only sometimes admit their real goal is to discourage driving by creating auto-hostile environments. Since every single car on the road has at least one person in it who is trying to get somewhere, being anti-auto is hardly a people-friendly attitude. More important, in their single-minded opposition to the auto, planners have forgotten about safety, environmental, and social concerns.

TWO KINDS OF ONE-WAY STREETS

The controversy over converting streets back to two-way involves two different kinds of one-way streets. First is the downtown grid, which typically has traffic signals at every intersection set for speeds of 15 to 20 miles per hour. Second is the one-way couplet—two parallel streets that feed traffic in opposite directions in downtowns or other busy areas. These typically have traffic signals only at major intersections which, if they are synchronized, are typically set for speeds of 25 to 40 miles per hour.

Conversion of part of a downtown grid to two-way means a significant loss of both safety and traffic flow. Such conversions produce no positive results. They are likely to contribute to downtown decay as they reduce the capacity of streets to carry traffic into and through downtowns.

Converting one-way couplets to two-way

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could reduce flow capacities by nearly half. "You need seven lanes of a two-way arterial to achieve the same capacity as four lanes of a one-way couplet," says transportation planning expert Michael Cunneen. However, planners usually want to reduce traffic flows by even more than this amount. Their proposals often call for:

- reducing the number of lanes of auto traffic;
- narrowing lane widths;
- removing right- and/or left-turn lanes;
- adding median strips or other barriers to streets: and
- other traffic-calming (i.e., congestion-building) actions.

In Chattanooga, for example, McCallie and ML King avenues form a one-way couplet of four broad lanes in each direction. The city plans to convert both to two-way. ML King would have two lanes in each direction, but McCallie would be reduced to one lane in each direction plus an intermittent left-turn lane. The two lost lanes would be turned into on-street parking. The result would be a net loss of two lanes, and the remaining lanes would be slower (meaning less capacity) than the current lanes. Planners say these steps will make streets more pedestrian-friendly and that the resulting reduction in speeds will make up for the reduced safety of two-way streets. Their real goal is to reduce roadway capacities.

Planners in Chattanooga and certain other cities, such as St. Petersburg, argue the decline of downtown areas since streets were converted to one-way has reduced the need for roadway capacity, so the reduction in capacity is not a problem. However, limited capacity would inhibit the downtown revitalization planners also say is their goal.

Studies of traffic-calming show delays to emergency service vehicles will kill far more people than will be saved by the slower speeds.

ECONOMIC VITALITY

Planners assert, with little or no evidence, that two-way streets will revitalize downtowns and other areas. One-way streets supposedly hurt businesses by forcing some people to drive around a block to get to those businesses. Yet the higher average speeds of one-way streets (due to signal synchronization) reduce the total time it takes people to get to any destination even if they sometimes have to drive around a block.

Planners also argue one-way streets have higher top speeds than two-way streets, and that a lower top speed makes it more likely drivers will see and stop at businesses along the way. But the top speed of a street is independent of whether it is one-way or two-way. What planners mean is that when they convert to two-way they also plan to reduce top speeds.

"One-way streets are a 1970s traffic engineer's approach to getting traffic out of downtown," says Donald A. Shea, who represents a downtown St. Petersburg advocacy group. "Well, it worked. And some of it has never come back."

Shea is confused. One-way streets allow more traffic into as well as out of downtown. Businesses that left downtowns for the suburbs did so in part because downtowns were more congested than the suburbs. To the extent one-way streets reduced congestion, they mitigated, rather than contributed to, downtown decline. Of course, downtowns declined for many reasons other than congestion, but there is no reason to suspect converting one-way streets to two-way streets will reverse that decline.

This does not mean no businesses would benefit from a conversion to two-way streets. Certainly many businesses complained converting two-way to one-way in the 1950s led to a loss in revenues. The truth is some businesses probably do better on a two-way street while others thrive on a one-way couplet.

Supermarkets and other high-volume, low-margin stores that have their own parking lots (most of which are dominated by one-way lanes) probably do better on a one-way couplet that gives plenty of people quick access to those stores. Specialty stores that rely on impulse sales and depend on high margins per sale might do better on two-way streets, since only half their potential customers would see them on a one-way couplet.

Some people argue such considerations are purely private and not the business of government. "The primary purpose of roads is to move traffic safely and efficiently, not to encourage or discourage business or build or rebuild parts of town," argues engineering professor Joseph Dumas of the University of Tennessee at Chattanooga. "Streets are tools for traffic engineering, not social engineering."

Dumas might say a business that does best on a two-way street should locate on a two-way street. Many planners, of course, would disagree and claim government should be promoting business. However, there is no evidence two-way streets and reduced traffic flows will do so.

SAFETY

The evidence that two-way streets are more dangerous than one-way is overwhelming. In many cases, two-way streets result in twice as many pedestrian accidents as one-ways.

One review of two-way to one-way conversions found two-way streets caused 163 percent more pedestrian accidents in Sacramento, and 100 percent more pedestrian accidents in Portland, Oregon, Hollywood, Florida, and Raleigh, North Carolina. The study called one-way streets "the most effective urban counter-measure" to pedestrian accidents.

One-way streets also lead to fewer motor vehicle collisions. While the reduction in collisions is not as great as the reduction in pedestrian accidents, Michael Cunneen says, "two-way streets are designed more for auto body shops than for people or cars."

Since most conversions of two-way to one-way streets were done in the 1950s, few studies are available on the Internet. The above-cited study is from 1976 and is titled "National Highway Safety Needs Study," published by the Research Triangle Institute for the U.S. Department of Transportation.

The claim that slowing traffic will reduce the safety problems of two-way streets is diminished by the fact that congested streets with narrow lanes will also slow emergency service vehicles. As pointed out in *The Vanishing Automobile*, studies of traffic-calming show delays to emergency service vehicles will kill far more people than will be saved by the slower speeds (page 352).

Transportation consultant Cunneen is currently doing a literature review on the safety of one-way vs. two-way streets that will be published as a future *Vanishing Automobile* update.

POLLUTION

Cars pollute more at lower speeds than at higher speeds. They also pollute more when they accelerate than when they travel at a constant speed. Thus, the stop-and-go traffic that is more prevalent on two-way streets than one-way, as well as the slowdowns planners seek by narrowing lanes, both lead to increased air pollution.

When Congress first required cities to reduce air pollution in the 1970s, many cities responded by improving signal synchronization and speeding up traffic downtown. Faster speeds meant less congestion and lower emissions. Since downtowns were the location of the most concentrated pollutants, such lower emissions could make the difference between pollution violations and compliance with federal pollution laws. Even today, signal synchronization is the most cost-effective weapon most cities have in their arsenal to improve air quality.

Most planners today ignore the additional pollution their anti-auto agenda creates. But planners in Austin took the trouble to calculate that converting several one-way streets to two-way would increase traffic delays by 23 percent and increase downtown air pollution by 10 to 13 percent. That's a huge increase in pollution for a policy with such questionable benefits—especially since air pollution is the main legal justification planners have for trying to reduce the amount of driving we do.

"[P]lanners in Austin took the trouble to calculate that converting several one-way streets to two-way would increase traffic delays by 23 percent and increase downtown air pollution by 10 to 13 percent."

SOCIAL IMPLICATIONS

Increased auto ownership and driving is largely a function of income. As incomes rise, more people buy cars. Auto ownership gives low-income people better access to more jobs, especially considering that commuter auto speeds remain more than double commuter transit speeds. Autos also provide better access to low-cost consumer goods and services.

Low-income people tend to remain concentrated in the inner cities where planners most often propose to convert one-way to two-way streets. The loss of mobility imposed by these conversions will fall most heavily on low-income inner-city residents. Higher income people are more likely to live and work in the post-auto suburbs, where one-way streets are rare because they weren't needed to accommodate auto traffic.

Gainesville, Florida is considering a plan to reduce its major east-west thoroughfare from four lanes to two. Since most of the city's low-income people live on the east side and most of the jobs are on the west side, this action will severely reduce low-income access to jobs. Proposals to reduce speeds when converting one-way to two-way streets in other cities will similarly harm low-income residents.

COST

Converting one-way streets to two-way streets is "a huge waste of money," says Fabian Bandoni, Cambridge's former director of engineering. St. Petersburg, for example, estimates it will cost nearly $150,000 to convert each major intersection that is changed from one-way to two-way. Converting an entire one-way couplet or a portion of a downtown grid may run into the tens of millions of dollars.

The debate over one-way to two-way has led many traffic engineers to publicly object to these plans. In Cambridge, Chattanooga, and other cities, traffic engineers have become outspoken opponents of one-way to two-way conversions.

By almost any measurable criteria—safety, pollution, congestion, and effects on most local businesses—one-way streets are superior to two-way streets.

Planners probably consider traffic engineering goals of safety, traffic flows, and reduction in pollution to be archaic. But the cost issue may sway many city councils, especially considering the current recession.

CONCLUSION

On just about any ground imaginable—safety, congestion, pollution, and effects on most businesses—one-way grids and one-way couplets are a superior method of moving people and vehicles. The idea that pedestrian-friendly design can be enhanced by creating more pedestrian-deadly environments is just a planning fantasy.

Randal O'Toole (rot@ti.org) *is senior economist with the Thoreau Institute* (www.ti.org) *and author of the recent book,* The Vanishing Automobile and Other Urban Myths, *available for $14.95 from Amazon.com. Point your Web browser to* http://www.amazon.com/exec/obidos/ASIN/097064390X/theheartlandinst.

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PENNSYLVANIA continued from page 1

Although Pennsylvania still employs many of the traditional means of enforcing environmental protection laws, the key to the state's recent success has been its increasing willingness to partner with municipalities, private citizens, and private businesses.

Growing Greener

The "Growing Greener" program Ridge signed into law in December 1999 is the largest single environmental investment in Pennsylvania's history—nearly $650 million over five years—aimed at preserving open space and farmland, reclaiming abandoned mines, restoring watersheds, supporting local recreation projects, eliminating the backlog of maintenance projects in state parks and forests, and upgrading water and sewer systems.

> "Although Pennsylvania still employs many of the traditional means of enforcing environmental protection laws, the key to the state's recent success has been its increasing willingness to partner with municipalities, private citizens, and private businesses."

In June 2002 Gov. Mark Schweiker signed legislation extending the program through 2012 and doubling its funding to $1.2 billion.

The program was based on recommendations made in 1998 by the Governor's 21st Century Environment Commission, which urged communities and watershed groups be given financial and technical help to solve environmental problems at the watershed level.

Growing Greener also included a special "good Samaritan" provision that removes environmental liability for persons who voluntarily reclaim abandoned mines or plug abandoned oil and gas wells and who have no responsibility for the original problem.

The "good Samaritan" provision was just one of dozens of recommendations made through the Governor's Reclaim PA initiative to encourage voluntary and industry-led efforts to reclaim abandoned mines and plug oil and gas wells.

The Growing Greener Program is the largest state program of its kind in the nation devoted to addressing nonpoint source pollution, which is responsible for 96 percent of the water quality impairment in Pennsylvania.

eFACTS (Electronic Environmental Reporting)

One of DEP's most advanced technological and administrative innovations is eFACTS (the Environment, Facility, Application, Compliance Tracking System). eFACTS brings together in one place program-specific information on individual sites regulated by DEP.

Using eFACTS, citizens, plant managers, bankers, consultants, and lawyers can see the results of the inspection DEP performs at a facility, the status of any past enforcement or compliance actions, and the status of any pending permit applications. eFACTS can be searched by name of facility or geographically to locate facilities with DEP permits within counties or towns.

The system marks a significant paradigm shift, from the traditional focus on "enforcement only" to the more comprehensive issue of compliance. Using Internet technologies and a vast inspection/enforcement database, more information is now made available to the public regarding compliance, violations, and overall environmental performance of companies throughout the Commonwealth.

eFACTS is the first program of its kind in the world. It won a 1999 Council of State Governments Innovations Award.

Money-Back Guarantee Permit Review

In 1995 Gov. Ridge established by executive order the Money-Back Guarantee Permit Review Program, requiring that DEP make permit decisions by specific deadlines ... or return the applicants' permit application fee.

The program brought on-time decision-making by the agency and helped eliminate a serious backlog of permit applications—all without short-changing the opportunity for public review and comment.

Zero Pollution Goal

In 1995 DEP created the Office of Pollution Prevention and Compliance Assistance at a deputy secretary level to assist communities and companies in meeting regulatory requirements and encourage them to go beyond merely complying with the law. As part of this effort, Pennsylvania adopted a "zero pollution" management goal for the first time.

DEP now assists hundreds of companies and communities in reducing pollution and compliance costs while sharing cutting-edge technologies among businesses through a newly formed Pennsylvania Environmental Assistance Network and other partners.

DEP also succeeded in creating grant and loan programs to help businesses audit their operations to identify pollution prevention opportunities and install pollution prevention and energy efficiency technologies.

One important part of this strategy was creating the Governor's Award for Environmental Excellence, which annually recognize the environmental accomplishments of individuals, businesses, local governments, and community organizations.

> The numbers don't lie. Pennsylvania serves as a model for other states to follow in the years to come.

Since 1995, Pennsylvania's pollution prevention programs and the winners of the Governor's Environmental Excellence Awards have saved companies more than $1 billion in operating costs, reduced water use by more than 7.3 billion gallons, eliminated 173 million tons of waste, reduced air pollution by 134 million tons, eliminated 732 million Btus of energy use, and educated more than 181,000 people on how to prevent pollution.

Effective Public Participation

In August 1996, DEP issued a new Public Participation Policy to require agency programs to involve the public in a meaningful way and early in the process of developing new policies and regulations with input from affected parties, the public, and other stakeholders.

Traditionally, environmental regulations have been the result of "decide and defend" strategies by government agencies, instead of allowing true public participation in the regulatory process. The Public Participation Policy has changed that. Agencies now listen to affected parties rather than dictate to them.

In 2000, the Washington, DC-based environmental group Resources for the Future ranked the Pennsylvania Department of Environmental Protection first among states for promoting effective public participation in its environmental programs, using the Internet and other tools as part of its Electronic Democracy Project.

FOR MORE INFORMATION

WWW contact the Pennsylvania Department of Environmental Protection, Rachel Carson State Office Building - 14th Floor, P.O. Box 2063, Harrisburg, PA 17105-2063; phone 717/787-2814. Secretary David Hess can be reached by email at **DavidHess@state.pa.us**. Visit its Web site at **http://www.dep.state.pa.us/**

DEP's adoption of the eNOTICE citizen notification service revolutionized the way a government agency invites the public to participate in its decision-making. Individuals can create a password-protected account and ask to be notified by email when a permit application is submitted from someone in their county, township, borough, or city. They also can track individual permits through the permit review process and be notified at significant milestones, such as when public comment periods open and close. Recommended by DEP's Environmental Justice Work Group, eNOTICE has been called "the first major improvement in the way government informs its citizens since agencies began posting notices in the town square." The Council of State Governments gave eNOTICE its 2002 Innovations Award.

A Model for Other States

"Thousands of people and communities all across Pennsylvania have new hope because of the partnerships built by the Ridge and Schweiker administrations to achieve the goal we all share—to restore and protect our environment," said David Hess, Secretary for Environmental Protection.

"We've created an approach to protecting the environment that emphasizes the involvement of stakeholders from all sides of issues, building partnerships, sharing information, and promoting education to achieve measurable improvements in the environment," summarized Hess.

"In 1995 we were challenged to create the most advanced partnership in the nation to protect and enhance our resources and to restore Pennsylvania's place as a national leader in protecting the environment. We met that test and positioned Pennsylvania to achieve even more in the future because we have even more ambitious goals to achieve."

The numbers don't lie. Pennsylvania serves as a model for other states to follow in the years to come.

James M. Taylor is managing editor of Environment & Climate News.

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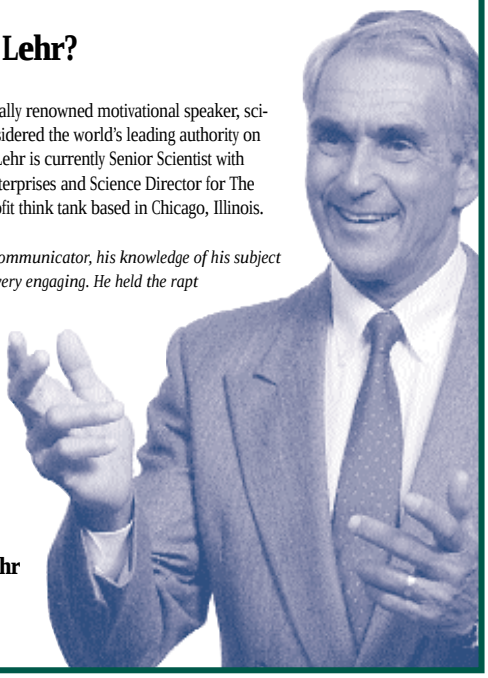

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No Apologies Needed for Driving an SUV

JERRY TAYLOR

Americans like the environment. But the November 2002 elections demonstrated they don't particularly like the advocacy groups that claim to speak for the "environmental movement."

Why? Perhaps it's the moral self-righteousness, political shrillness, and, well, sheer loopiness that is part and parcel of Green rhetoric today. The campaign to shame people out of their SUVs is a clear case in point.

First, consider the loopiness. "What would Jesus drive?" asks the Rev. Bill Ball, director of something called the Evangelical Environmental Network and winner of the "15 minutes of fame" award in the print media last Spring. "Jesus wants his followers to drive the least-polluting, most efficient vehicle that truly meets their needs, though first he might look at other ways to get around." The media, which ate this guy up, report Ball plans to spend $65,000 to convince Americans that the road to salvation lies in selling their SUVs.

Some rather obvious questions, of course, come to mind. First, would Jesus rather have Ball spend $65,000 to campaign against energy consumption or spend that money to feed the hungry or help the sick? Second, how in the world does Ball know Jesus' opinion about automotive engineering (is there a "Book of Ford" in the New Testament I somehow missed)? Third, because we know SUVs are safer to drive than the cars Ball would have us buy (a matter put to bed once and for all in a study issued by the National Academy of Sciences two years ago), would Jesus really want us to put our loved ones at risk to eke out a few more miles per gallon?

For shrillness, however, you can't beat the indefatigable Arianna Huffington or her sidekick, Bill Maher (late of "Politically Incorrect"). Huffington, for her part, has put together a national ad campaign arguing that, if you're driving an SUV, you're complicit in al Qaeda's terrorism. Maher, not to be outdone, has written a book titled *When You Ride Alone You Ride With bin Laden*.

Indeed, you can't swing a dead cat without hitting some smug Blue-state wise guy who relishes turning the tables on SUV-driving "Red America" for their supposed lack of patriotism.

Never mind that 80 percent of the gasoline we put in our tanks is refined from oil bought from outside the Persian Gulf. Never mind that al Qaeda is funded not by the oil sheiks but by bin Laden's personal fortune (derived long ago from his family's construction business), criminal schemes run by entrepreneurial terrorists, wealthy Muslims who seem to have made their fortune outside the oil business, and charity scams that harvest money from unsuspecting Muslims who think their dollars are going to war orphans. In fact, should al Qaeda win this war, it's the guys running the Persian Gulf oil fields today who'll be the first to hang—and they know it.

Finally, there's the constant admonition from the self-righteous that SUVs are choking the life out of the planet. Only mindless materialism, greed, and self-absorption, they say, explain the lack of concern SUV drivers have for the awesome damage they inflict on the world. What goes unacknowledged, however, is that America's romance with SUVs coincided with tremendous improvements in air quality.

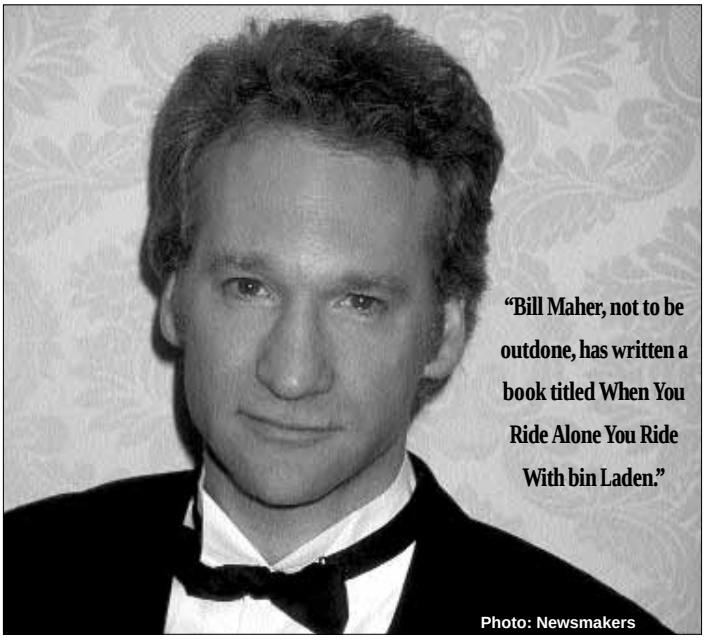
Since 1980, ambient concentrations of carbon monoxide have dropped 61 percent, leaving only two small towns in California in violation of federal winter smog standards. Likewise in 1984, half of America's cities were in violation of federal summer smog standards, with those cities averaging 12 violations a year. By last year, however, only 14 percent of America's cities were in violation of those standards, with those cities experiencing but four violations a year. Sulfur dioxide emissions (the cause of acid rain) fell by 31 percent since 1980; lead emissions by 94 percent; and small particulate matter by 50 percent. Clearly, SUVs and the environment can coexist nicely.

And as far as self-indulgence is concerned, where are those critics when they need a lift to the supermarket or hospital in the middle of a snowstorm?

Cadging a ride from their SUV-driving neighbors, that's where. Where are they when they need to haul some new furniture or whatnot home from the store? Borrowing the neighbor's SUV, more likely than not. When a troop of kids needs to be carted off to some activity, it's the neighborhood SUV-driving parent who plays bus driver, freeing other parents from duty and thereby keeping at least a couple of extra cars off the road. And should an accident occur, it's the SUV that is statistically more likely to save little Johnny from death or dismemberment—the hybrid battery-powered car is more likely to turn said Johnny into a pancake.

If you don't like SUVs, don't drive them. But the high moral horse rode by SUVs' critics is in reality a low, half-witted donkey.

Jerry Taylor is director of natural resources studies at the Cato Institute.



"Bill Maher, not to be outdone, has written a book titled When You Ride Alone You Ride With bin Laden."

Photo: Newsmakers

EPA Cracks down on Army Corps Toxic Sludge

The Environmental Protection Agency has proposed to force the Army Corps of Engineers to all but eliminate its long-standing practice of dumping toxic sludge in the Potomac River. The decision, announced December 18, reverses EPA's acquiescence to the Corps' "midnight dumping" practices in the nation's capital.

Army Corps vs. Municipalities

For more than a decade, EPA has allowed the Army Corps to dump more than 10 million tons of sludge into the Potomac River every year. The sludge is dumped into the C&O Canal National Park and other Potomac River sites near spawning grounds for the endangered shortnose sturgeon. The practice appears to be a clear violation of the Endangered Species Act (ESA) and Clean Water Act.

The Army Corps began dumping the sludge pursuant to an EPA permit issued in 1989. The permit allowed the dumping from 1989 to 1993. Although nine years passed before the permit was renewed, the Corps was allowed to continue its dumping operations through March 2002, when a new permit was issued.

The sludge emanates from the Washington Aqueduct, which treats and supplies water to residents of Washington, DC and Northern Virginia. Although municipalities are usually restricted to dumping 30 milligrams of sludge per liter of suspended solids, the Corps has been dumping up to 240,000 milligrams per liter of solids. By holding the Corps to the same standards that apply to the rest of the nation, EPA is proposing more than a 99 percent reduction in the Corps' maximum sludge dumping.

> "Although municipalities are usually restricted to dumping 30 milligrams of sludge per liter of suspended solids, the Corps has been dumping up to 240,000 milligrams per liter of solids."

"I am quite pleased that EPA is prepared to issue a mea culpa and take steps to end such an indefensible practice," said Representative George Radanovich (R-California). "As if the blatant Clean Water Act violation weren't enough, the Corps dumps this toxic sludge through a national park and directly into the primary spawning ground of the endangered shortnosed sturgeon."

"EPA's announcement is a confession that this midnight sludge dumping in the nation's capital violates the Endangered Species and Clean Water Acts," said Rob Gordon, president of the National Wilderness Institute. "The new draft permit is a good first step, but the devil will be in the details, and serious questions remain, including why they had to be compelled to stop something they knew was illegal."

Toxic Sludge Good for Fish?

The Army Corps had originally justified its polluting of endangered sturgeon spawning waters by claiming toxic sludge benefitted the fish. According to a memo submitted to EPA, the Corps claimed dumping toxic sludge forced the fish to flee an area that was occasionally used by fishermen. Were it not for the toxic sludge, argued the Corps, the fish might fall prey to fishermen.

Stated the author of the Corps memo, "It is not in my view a ridiculous possibility that our discharge actually protects the fish in that they are not inclined to bite (and get eaten by humans), but they go ahead with their upstream movement and egg laying."

The memo instructs Corps officials on talking points related to the toxic dumping. Specifically, it encourages government officials to focus less on the concerns that dumping kills fish and more on assertions that the sturgeon can evade the toxic sludge on their way to spawning grounds.

"To suggest that toxic sludge is good for fish because it prevents them from being caught by man is like suggesting that we club baby seals to death to prevent them from being eaten by sharks," responded Radanovich. "It's ludicrous."

"This is one of the most frightening examples of bureaucratic ineptitude and backward logic I have ever seen," he remarked.

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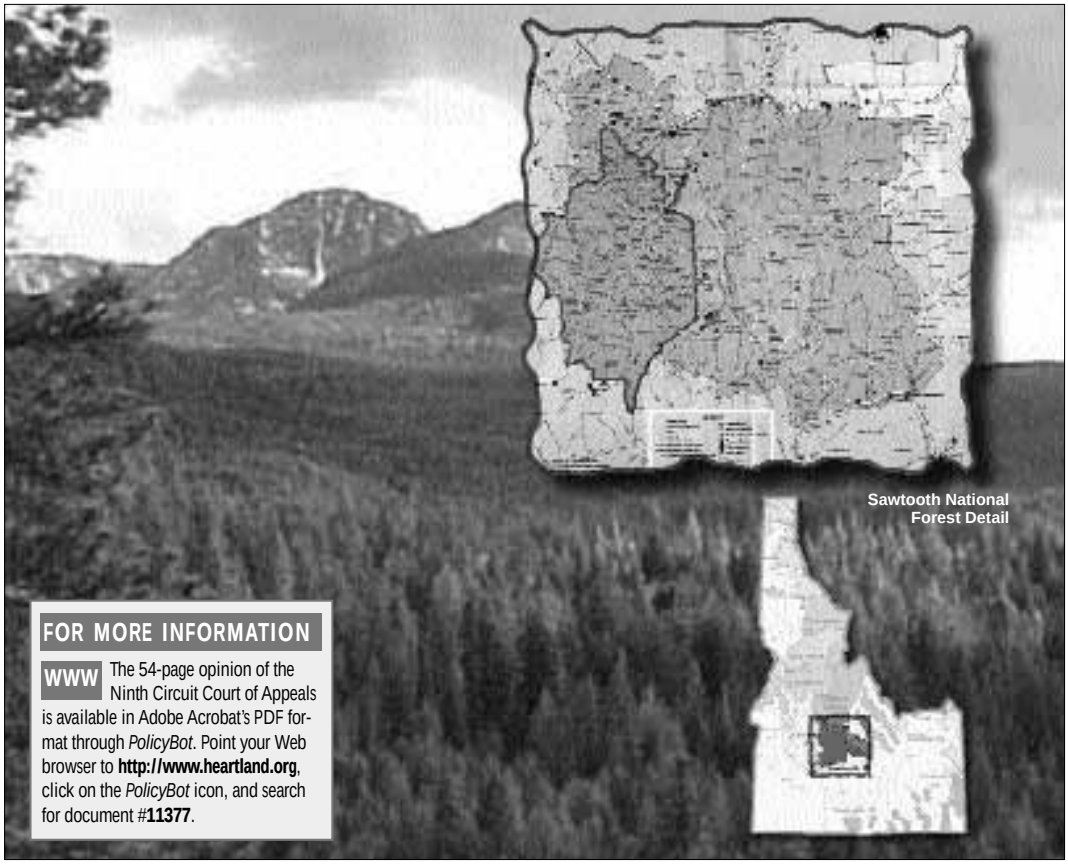
Appeals Court Upholds Clinton "Roadless Rule"

58 million forest acres made off-limits by decision

JAMES M. TAYLOR

On December 12, 2002, the Ninth Circuit Court of Appeals, the most liberal and frequently overruled appellate court in the country, put more than 58 million acres, or nearly half of America's national forests, effectively off-limits to U.S. citizens for the foreseeable future. The court ruled a federal district judge had abused his discretion in setting aside the Clinton administration's "Roadless Rule" for national forests.

The Roadless Area Conservation Rule was one of a flurry of regulatory actions taken in the final days of the Clinton administration. According to the rule, no new roads can be built in 58.5 million acres of America's national forests, with the exception that new roads can be built to access current mineral lease boundaries. The rule, issued on January 5, 2001, has the practical effect of precluding recreation and resource recovery in an area more than twice the size of the state of Ohio.



FOR MORE INFORMATION

WWW The 54-page opinion of the Ninth Circuit Court of Appeals is available in Adobe Acrobat's PDF format through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document #**11377**.

District Court Halts Enforcement

On January 8, 2001, the Kootenai Tribe of Idaho, two Idaho counties, various recreational groups, some livestock companies, and the Boise Cascade Corporation filed suit in the federal district court in Idaho to block the federal government from implementing the Roadless Rule. According to the complaint, the Roadless Rule violated the National Environmental Policy Act (NEPA), which prescribes multiple-use policies for national forests, and the Administrative Procedure Act (APA), which requires fair procedures and public input in formulating and implementing new federal regulations. The next day, the State of Idaho filed a separate complaint in the District of Idaho stating similar allegations.

"The roadless rule was predetermined and one-sided and failed to consider the long-term consequences for managing the health of the national forests," summarized Mike Moser, spokesman for plaintiff Boise Cascade, a timber company.

On May 10, 2001, federal district judge Edward Lodge made a preliminary determination that the Roadless Rule likely violated NEPA and APA. Lodge barred implementation of the Rule until and unless a full trial on the merits demonstrated the Rule was lawful.

Lodge determined there was strong evidence that the Clinton rule-making process was improperly hurried such that the Forest Service was not given time to produce a "coherent proposal or meaningful dialogue and that the end result was predetermined." Lodge further characterized the process as "grossly inadequate" in providing for public notice and input before the rule was issued.

In his decision, Lodge similarly criticized the Bush administration's decision to allow the Roadless Rule to go into effect temporarily, while proposed roads were analyzed on a case-by-case basis. Lodge characterized the Bush approach as a "Band-Aid approach" to the problems presented by the Clinton plan. Bush's decision, wrote Lodge, "ignores the reality ... that once something of this magnitude is set in motion, momentum is irresistible, options are closed and agency commitments, if not set in concrete, will be the subject of litigation for years to come."

"How you go about doing something is about as important as what you end up doing. ... [W]e need to have people feel they've been listened to and engaged and to be a part of the solution," noted Lodge in his opinion.

Dale Bosworth, head of the same U.S. Forest Service that had implemented the Roadless Rule under the Clinton administration, agreed with Lodge. "The most you can hope for is that there's credibility to the decision and that the people who felt like they didn't get their way at least believe that the process was fair and thoughtful," stated Bosworth. By putting the new rule on a fast track during its final days in office, the Clinton administration undermined its own credibility and the principle of fair play, Bosworth said.

Appeals Court Grants Review

The federal government, which through its agents was the sole defendant in the case, did not appeal Lodge's decision. Normally, this would end the dispute. But the federal appellate court in San Francisco allowed a consortium of activist groups to appeal the ruling, even though neither plaintiffs nor defendants sought review. The appeal was justified, according to the appellate court, because of the importance of the issues to the activist groups.

Once the activist groups were allowed to appeal, the Bush administration surprised supporters of multiple use by filing a brief supporting the Roadless Rule. The administration has to date refused to approve a single project that would violate the Clinton Roadless Rule.

Turning to the merits of the appeal, the appellate court, by a 2-1 decision, determined the Roadless Rule did not violate NEPA. According to the court, NEPA "simply provides the necessary process to ensure that federal agencies take a 'hard look' at the environmental consequences of their actions." That "hard look," the court ruled, required only that the Forest Service give some input to state and local governments, affected Indian tribes, and the general public in preparing and implementing a plan to prevent degradation of national forests.

Rejecting the district court's determination that the Clinton administration had moved too quickly to implement the rule, the appellate court determined a 69-day comment period was sufficient to allow meaningful public participation in the NEPA process.

The appellate court also rejected the district court's determination that the Clinton administration should have considered and offered comment on alternative plans for protecting national forests that did not contemplate a complete ban on new road-building.

Under NEPA, the federal government is required to "study, develop, and describe appropriate alternatives to recommended courses of action." The Clinton administration studied a few alternatives to its final Roadless Rule, but all options contemplated a complete ban on new road-building, differing only on secondary issues. The appellate court determined the NEPA requirement to consider a variety of alternative plans "must be interpreted less stringently when the proposed agency action has a primary and central purpose to conserve and protect the natural environment, rather than harm it."

Added the appellate court, "the policy of NEPA is first and foremost to protect the natural environment. ... The district court's opinion, in our view, gives inadequate weight to analysis of the conservation and environmental values supporting the Rule and of the budgetary and safety considerations pertinent to it. All these values are worthy and they deserve consideration." Accordingly, "[t]he Forest Service was not required under NEPA to consider alternatives ... that were inconsistent with its basic policy objectives."

Election-eve Politics

In dissent, appellate court judge Andrew Kleinfeld argued "we review preliminary injunctions only for abuse of discretion. It is not enough that we disagree with the district judge." Rather, "we must conclude that the district court relied on an erroneous legal premise or abused its discretion. Such a determination cannot be made in this case."

According to Kleinfeld, the activist groups had no legal right to intervene in and appeal district judge Lodge's preliminary injunction. Wrote Kleinfeld:

> *The majority admits that "the intervenors do not have an independent protectable interest." The majority nevertheless claims the intervenors assert "defenses of the Roadless Rule*

ROADLESS continued on page 15

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Court Blocks Oil Recovery, Indian Whaling

Also in December 2002, the Ninth Circuit Court of Appeals in San Francisco made two other controversial rulings affecting environmental laws.

Offshore Oil Recovery

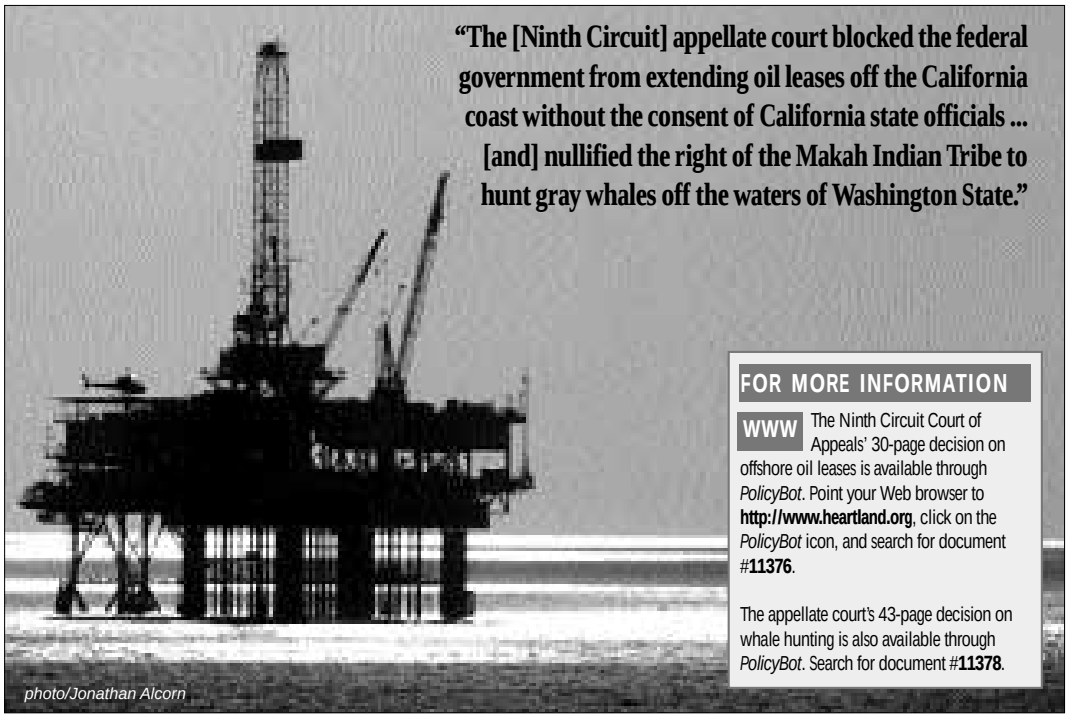
The appellate court blocked the federal government from extending oil leases off the California coast without the consent of California state officials. The December 2 decision in *State of California v. Norton* nullifies actions by the Clinton and Bush administrations to extend offshore oil leases initially granted in the 1960s, 1970s, and 1980s.

Oil companies have paid more than $1 billion for the right to drill on the leases. The Clinton administration banned new oil leases off the California coast, but agreed at the time to honor the right to drill in preexisting lease tracts.

In its December 2 decision the appellate court ruled the federal government had not given enough deference to the California state government in its decision to renew existing leases. The Clinton and Bush administrations had taken the position that renewing existing leases was only fair because oil companies had paid substantial money to the government while under the impression they could drill for oil. Nevertheless, the appellate court determined California must have significant input in the decision whether or not to renew the leases due to the potential impacts of an oil spill. Additionally, the court ruled the federal government had failed to sufficiently study the environmental impact of offshore oil drilling before renewing the leases.

Although the renewed leases had the potential to add only a few new oil rigs off the coast of California, the appellate court determined the potential for even a single oil spill gave California the right to participate in the process.

"The issue is very narrow," summarized U.S. Interior Department spokesman Hugh Vickery. "Our argument was that simply extending the life of these leases didn't have any effect on the coastline."



"The [Ninth Circuit] appellate court blocked the federal government from extending oil leases off the California coast without the consent of California state officials ... [and] nullified the right of the Makah Indian Tribe to hunt gray whales off the waters of Washington State."

photo/Jonathan Alcorn

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WWW The Ninth Circuit Court of Appeals' 30-page decision on offshore oil leases is available through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document #**11376**.

The appellate court's 43-page decision on whale hunting is also available through *PolicyBot*. Search for document #**11378**.

Indian Tribe Prohibited from Whaling

The appellate court also nullified the right of the Makah Indian Tribe to hunt gray whales off the waters of Washington State.

The Makahs were guaranteed the right to hunt whales in an 1855 treaty. As gray whale numbers declined, the tribe abstained from whaling for roughly 70 years. However, the Makahs resumed limited hunting, with the consent of the federal government, after the gray whales were taken off the Endangered Species List in 1994. Since they resumed limited hunting, the Makahs have killed a total of just one whale.

Activist groups had filed a lawsuit alleging renewed Makah whale hunting violated the Marine Mammal Protection Act (MMPA). Protection under the MMPA is easier to obtain than protection under the Endangered Species Act.

Overruling the National Oceanic and Atmospheric Administration (NOAA), the National Marine Fisheries Service (NMFS), and a federal district court, the appellate court determined the federal government had not adequately studied the impact of Makah whale hunting before agreeing to renewed tribal hunting. Although just one whale was taken during the eight years of renewed hunting, the court ordered the NOAA and the NMFS to conduct a comprehensive environmental impact statement before considering whether to allow continued Makah whale hunting.

"The environmental assessment [previously conducted by the NOAA and NMFS] simply does not adequately address the highly uncertain impact of the tribe's whaling on the local whale population and the local ecosystem," stated the court in its December 20 decision in *Anderson v. Evans*.

John Arum, a lawyer for the Makah Indian Tribe, was disappointed the court subjugated treaty rights to environmental politics.

"It's a very bad ruling for the tribe," said Arum. "I think it has implications that go well beyond whaling and will affect all the tribes in the Northwest."

ROADLESS continued

directly responsive to the claim for injunction" and have "an interest in the use and enjoyment of roadless lands." This is plainly insufficient under Rule 24(b), which requires common *claims or defenses, not merely parallel but distinct interests. The government's interest* in this action *is in compliance with the procedural requirements of NEPA, not in the enjoyment of national forests.*

Even if the activist groups could intervene, asserted Kleinfeld, Lodge's preliminary injunction should have been upheld. Noting the few alternatives to the Clinton administration's final Roadless Rule all contemplated a complete ban on new roads, Kleinfeld argued, "all of them ban road construction. They omit the obvious alternative of *not* banning road construction and repair. Thus the agency failed, as the district court found and the agency concedes, to give a 'hard look' at all the alternatives."

Other alternatives, observed Kleinfeld, could have included allowing road construction with limits on density; allowing construction of roads made of certain materials only; or limiting road use to low-emission vehicles. "The majority writes as if the stated objective were banning roads in roadless areas. Such was not the case, and could not be the case under circuit precedent. Roads may be necessary to protect the forests and those who have property affected by them from avoidable destruction by fire, insects, and disease."

Added Kleinfeld:

The majority claims "The NEPA alternatives requirement must be interpreted less stringently when the proposed agency action has a primary and central purpose to conserve and protect the natural environment, rather than to harm it." No citation of authority for this proposition is provided. It makes no sense. The national forests were established to provide a source of timber and to protect the flow of water. "National forests [at their creation] were not to be reserved for aesthetic, environmental, recreational, or wildlife-preservation purposes." (United States v. New Mexico, 438 U.S. 696, 707 (1978)) They are not the same as wilderness areas, and the national forests are not "natural environments." They've been a managed rather than a natural environment for a hundred years. For most of that time they were managed to serve as a federal tree farm, supplying timber as a renewable resource.

Finally, Kleinfeld rejected the majority's conclusion that the Clinton administration had allowed sufficient opportunity for meaningful public comment before implementing the new Rule:

Here, in an action involving two percent of the land mass of this country, *the Service allowed a mere 69-day public comment period. The district judge made a* finding of fact *that state maps of the affected area were not available until one month after the public comment period ended. Many responses were received in the final week, and the Service did not deign to respond. The documents offered to the public contained bizarre, Orwellian terms like "roaded roadless." To top it all off, 4.2 million acres were added after the public comment period ended.*

"What we have here," summarized Kleinfeld, "is a case where the agency attempted a massive management change for 2 percent of the nation's land on the eve of an election, and shoved it through without the 'hard look' NEPA required, as the district court so found and the agency itself now acknowledges.... There is no justification for abandoning our precedents on intervention in NEPA actions in order to prevent the government from taking a harder look at a massive policy change."

Nevertheless, as a result of the appellate court majority's decision, the Roadless Rule will remain in effect until and unless a full hearing on the merits determines implementation of the Rule violated NEPA. Given the appellate court's ruling, the Roadless Rule is unlikely to be disturbed unless the U.S. Supreme Court agrees to hear arguments on the issue.

James M. Taylor is managing editor of Environment & Climate News.

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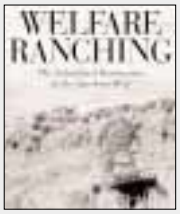
PUBLIC LANDS GRAZING FACES UNCERTAIN FUTURE

BOOK REVIEW BY RANDAL O'TOOLE



Welfare Ranching: The Subsidized Destruction of the American West

by George Wuerthner
and Mollie Matteson, Editors
Island Press, August 2002
368 pages cloth

Why would anyone want a coffee-table book filled with photos of environmentally degraded landscapes? That was a question many people asked in 1995 when the Sierra Club published *Clearcut: The Tragedy of Industrial Forestry*, a giant book of ugly color photos of clearcut forests. The Club's goal, however, was less to sell books than to give them away to members of Congress and other decision-makers in support of the environmental campaign to end timber cutting on federal lands.

At the time *Clearcut* was published, federal timber sales had already declined by some 80 percent from their pre-1990 levels. They haven't fallen much further since then, suggesting the book had little impact on the politics of public lands.

Nevertheless, Island Press has now published two more books of the same sort: *Welfare Ranching* and *Fatal Harvest: The Tragedy of Industrial Agriculture*. While the latter is likely to have little impact on agriculture, *Welfare Ranching* could play a major role in public land politics in the next few years. Of the publisher's initial press run of 10,000 books, the Foundation for Deep Ecology immediately purchased 7,000 to give away to legislators, reporters, and other opinion leaders.

"RATHER THAN SIMPLY DIGGING IN, WESTERN RANCHERS AND THEIR SUPPORTERS SHOULD BE LOOKING FOR SOLUTIONS THAT WILL ALLOW RANCHES TO SURVIVE A DRAMATIC REDUCTION IN PUBLIC LAND GRAZING."

Light Reading, this Isn't

At 12 inches by 13.5 inches and weighing more than five pounds, *Welfare Ranching* is not suitable for a little light reading. Several of the book's 41 chapters were written by people I would call "radical environmentalists," meaning they are motivated more by emotion than rational thought. But many of the contributors are well-respected biologists, economists, and other scientists.

Unlike *Fatal Harvest*, which deals with private land management, *Welfare Ranching* deals exclusively with grazing of privately owned cattle, sheep, and other livestock on publicly owned lands. The book points out that about 22,000 ranches have permits to graze on 260 million acres of federal land. While those 260 million acres represent more than 10 percent of the land area of the entire U.S., they provide only 2 percent of all feed consumed by U.S. cattle and other livestock. Many permittees are small family-owned ranches, but some are large spreads operated by wealthy individuals or corporations. Billionaire J.R. Simplot, for example, has permits on 2 million acres of public land in Idaho.

The photos and articles in the book purport to show public land grazing is degrading the landscape. The editors admit most of the degradation took place a century ago, when grazing was unregulated and cattle and sheep herders often competed for the same land, giving each an incentive to overgraze to keep the other out. The book contends degradation continues today, while ranchers insist they graze at such low levels now that the land is recovering.

One problem Wuerthner, the book's main photographer, faced is that grazed landscapes rarely look as ugly as recently harvested clearcuts. The book includes many pages of photos instructing the reader on how to see the impacts of grazing. One photo "shows what looks like a nice trout stream," Wuerthner admits. However, "the stream has been degraded by a hundred years of livestock use." Is the degradation continuing, or is the land recovering despite continuing lower levels of use? Photos taken at one point in time cannot prove the case one way or the other.

That issue is critical because the goal of the book's supporters is to completely end livestock grazing on public lands. To admit grazing is destructive when overdone but not at low levels, or that it might be destructive to some landscapes but not others, would undermine this goal.

Doesn't Make the Case

Nineteen of the book's 41 chapters cover the ecological consequences of livestock grazing, and many of them are written by Ph.D. ecologists and biologists. While they make a convincing argument that grazing can be harmful and grazing institutions need reform, they don't prove grazing always is bad or that its benefits never outweigh the costs. Many of the chapters suggest changes in federal policies short of completely ending grazing could solve most grazing problems.

Despite its subtitle, the book does not support its claim that grazing is heavily subsidized. The only economic analysis in the book focuses on grazing's minimal contribution to western economies. Just because an enterprise is small doesn't mean we can or should jettison it without weighing its benefits and costs.

In a recent report titled *Assessing the Full Cost of the Federal Grazing Program*, economists working for the Center for Biological Diversity (which I would call a radical environmental group) estimate "the full cost of the federal grazing program to the U.S. Treasury is likely to approximate $500 million annually."

Ranchers are quick to deny this. In fact, nearly all public land users deny they get any subsidies for their use. While they all

GRAZING continued on next page

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GRAZING continued

agree everyone else is subsidized, they believe they themselves shouldn't have to pay any more for their use.

Subsidies Add Up

With the exception of oil and gas producers, nearly all public land users are subsidized. Some users (such as timber cutters) pay fees at market rates but below the cost to the federal government of producing the good. Others (such as some recreationists) pay fees that cover the costs to the government, yet the fees are below market rates. The fees paid by most public land ranchers are both below cost and below market rates.

The fee for grazing on most federal lands is about $1.50 per animal unit month (the amount of feed consumed by a cow in a month). The same ranchers often pay $10 or more to graze on state or private lands. Ranchers argue their costs are higher on federal lands, but when they sublease their grazing permits to other ranchers (which some are allowed to do), they usually charge rates comparable to those charged for grazing state lands.

If the federal government spends $500 million supporting public grazing, then even a fee of $10 wouldn't cover costs. Federal lands support less than 16.5 million animal unit months of grazing a year, which would put the cost per month at about $30.

Of course, a large chunk of that $500 million a year supports the U.S. Forest Service and Department of the Interior bureaucracies more than it supports ranchers. In fact, the biggest subsidies of all go to the bureaucracies, not to any of the outside interest groups. But few interest groups will say that because, rather than end subsidies, they hope to turn them in their own direction. Any reform that fails to streamline the bureaucracies will not save taxpayers money.

FOR MORE INFORMATION

WWW George Wuerthner and Mollie Matteson's *Welfare Ranching: The Subsidized Destruction of the American West* is available for $31.50 through Amazon.com. Point your Web browser to **www.amazon.com/exec/obidos/ASIN/1559639431/theheartlandinst.**

What to Do?

In addition to leaving out any detailed discussion of subsidies, *Welfare Ranching* fails to detail any proposal for what to do about grazing. But one grazing opponent, the National Public Lands Grazing Campaign, has a plan it says relies on incentives rather than regulation.

Its program is simply to buy out the ranchers. The group estimates the average capital value of a public land animal unit month, as recognized in financial and real estate markets, is about $40. So it proposes to give each rancher more than four times this amount, $175 per animal unit month, to retire their permits and find alternate sources of feed. Buying all 16.5 million animal unit months would cost about $2.9 billion.

Of course, the National Public Lands Grazing Campaign doesn't propose to raise the money itself. Instead, it wants the federal government to pay off the ranchers. The savings to taxpayers of ending grazing subsidies, the group says, would be three to four times the cost of buying out the permits.

In 1999, another proposal was put forth by a consensus group of ranchers and environmentalists after meetings facilitated by Karl Hess, Jr. They agreed to let environmental groups use their own funds to buy grazing permits from ranchers at market value. This would force environmentalists to focus on the most serious problems and allow some grazing to continue where it does little harm. (The detailed proposal can be read at http://www.ti.org/rangereform.html).

"OF THE PUBLISHER'S INITIAL PRESS RUN OF 10,000 BOOKS, THE FOUNDATION FOR DEEP ECOLOGY IMMEDIATELY PURCHASED 7,000 TO GIVE AWAY TO LEGISLATORS, REPORTERS, AND OTHER OPINION LEADERS."

This is happening on a small scale, but institutional rules work against it. For example, no one is allowed to buy a permit unless they own land nearby, and those who have permits are required to graze or risk losing the permits to some other landowner. Changing these two rules (as proposed by Hess's consensus group) would allow resolution of the grazing issue through the market rather than through politics.

The National Public Lands Grazing Campaign's proposal has the advantage of being comparatively simple. Simpler still would be to simply end, or significantly reduce, public land grazing. A rancher's grazing rights can be terminated when the applicable permit expires (typically every 10 years). By allowing ranchers' permits to expire without renewing them, no one would have to buy the ranchers out.

With a Republican Congress and the placement of Western rural members of Congress on key public lands committees, one might expect none of these proposals to happen soon. But the 80 percent decline in national forest timber sales between 1990 and 1995 took place administratively and despite the resistance of many powerful members of Congress. Forest Service and Bureau of Land Management officials could just as easily decide to phase out public land grazing on a case-by-case basis.

Rather than simply digging in, Western ranchers and their supporters should be looking for solutions that will allow ranches to survive a dramatic reduction in public land grazing. Whatever happens to livestock grazing, the smart ranchers today are thinking about recreation, game ranching, and other sources of income to supplement or replace the very marginal business of livestock production.

*Randal O'Toole (*rot@ti.org*) is senior economist for the Thoreau Institute (*www.ti.org*) and author of* Reforming the Forest Service, *available for $25.00 through Amazon.com. Point your Web browser to* http://www.amazon.com/exec/obidos/ASIN/0933280459/theheartlandinst.

Backyard Trash-burning a Major Source of Dioxin

S. FRED SINGER

A new publication by the Chlorine Chemistry Council, *Backyard Trash Burning: The Wrong Answer*, warns of the increasingly significant contribution of uncontrolled backyard trash-burning to pollutant levels. At a time when successful cooperation among industry, government, and environmental organizations has resulted in major declines in overall industrial and municipal dioxin emissions (down 92 percent since 1987), EPA projects backyard trash-burning will be a major source of dioxins by 2004.

Backyard trash-burning is common in rural areas, especially where trash removal service is not provided by the local government or is prohibitively expensive because of a sparsely located population. As a result, many families dispose of their household waste by burning it outdoors, either in metal receptacles or directly on the ground. While open burning is seen by some as an inexpensive, convenient solution for dealing with household trash, it is also highly polluting.

A modern municipal waste incinerator serving 150,000 families, operating under highly controlled conditions designed to reduce formation and emission of air pollutants emits, on average, an amount of dioxin equivalent in weight to a single straight pin (approximately 0.072 grams). The same amount of dioxin is released when only 20 families burn their trash.

The CCC brochure also addresses the issue of PVC contribution in dioxin pollution. Scientific experiments have shown the generation of dioxin in backyard burning correlates best with variables related to combustion such as temperature and carbon monoxide, not the presence of PVC. Eliminating PVC, therefore, will not prevent dioxin formation as dioxins are commonly produced in virtually any combustion environment.

S. Fred Singer, professor emeritus of environmental sciences at the University of Virginia and president of the Science and Environmental Policy Project, shares his thoughts on environment and climate news stories of the month. Singer's The Week That Was columns can be found at www.sepp.org.

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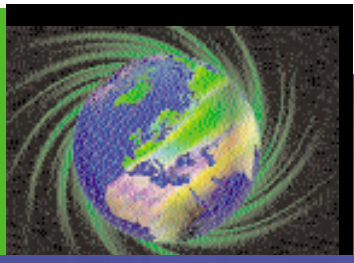

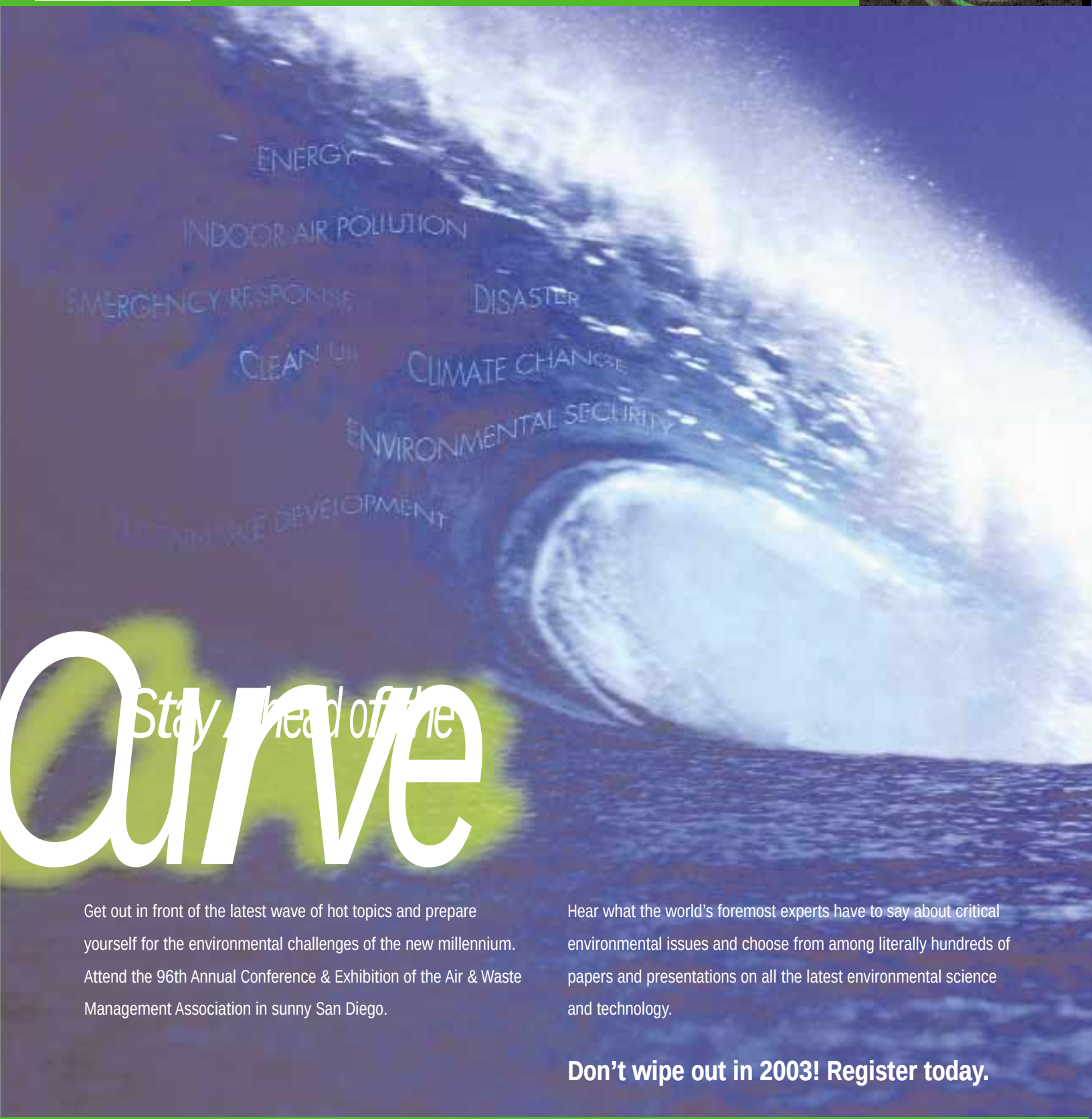

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